

# City Council

## REGULAR MEETING AGENDA

June 2, 2020 – 6:30 pm

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 284 102 742. The public may participate in this meeting during public comment sections, including the public forum beginning at 6:20 pm, by calling 763-230-7454. Additional information about monitoring electronic meetings is available on the [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. Consent Agenda

Approval of Consent Agenda - All items listed under this heading are considered to be routine by the City Council and will be enacted by one motion. There will be no discussion of these items unless a Council Member so requests in which event the item will be removed from the general order of business and considered in its normal sequence on the agenda.

- A. Approval of Minutes:
  - 1. Council/Manager Meeting – March 10, 2020 3-4
- B. Approval of City Check Register 5
- C. Licenses:
  - 1. Approve 2020-2021 Liquor License Renewals 6-7
- D. Minutes of Boards and Commissions:
  - 1. Environmental Commission – April 27, 2020 8-11
- E. Approval of Bids, Quotes and Contracts:
  - 1. Approve Purchase of City Vehicles 12-15
- F. Acceptance of Grants and Donations:
  - 1. Acceptance of Donations of Face Mask and Filters Res. 20-32 16-17
- G. Accept Resignation from Open Space & Recreation Commission 18

### 4. Public Hearing

- A. Public Hearing – Schuller’s Tavern – 7345 Country Club Drive
  - 1. Amendment to the Future Land Use Map 19-63
  - 2. Amendment to the Zoning Map 64-74



This document is available in alternate formats upon a 72-hour request. Please call 763-593-8006 (TTY: 763-593-3968) to make a request. Examples of alternate formats may include large print, electronic, Braille, audiocassette, etc.



**5. Old Business**

**6. New Business**

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

- A. Noah Joynes Youth Recreation Fund Res. 20-33 75-78
- B. Environment Commission Amendments
  - 1. Second Consideration – Ordinance 681 – Modifying the Responsibilities of the Environment Commission 79-82
  - 2. Approval of Modifications to Environmental Commission Bylaws 83-90
- C. COVID-19 Pandemic Emergency Administrative Actions 91-154
- D. Review of Council Calendar
- E. Mayor and Council Communications
  - 1. Other Committee/Meeting updates

**7. Adjournment**

# City Council/Manager

**March 10, 2020 – 6:30 pm**

Council Conference Room  
Golden Valley City Hall  
7800 Golden Valley Road

## REGULAR MEETING MINUTES

The meeting began at 6:30 pm in the Council Conference Room.

Present: Mayor Harris and Council Members; Rosenquist, Fonnest, Sanberg and Harris.

Staff present: City Manager Cruikshank, Human Resources Director Santelices

### 1. Boards/Commissions Work Plan and/or Annual Report

Mayor Harris took a moment to acknowledge the City's behind the scene work in relation to COVID-19 and shared that City Manager Cruikshank would update the Council on the latest information.

Human Resources Director Santelices presented the staff report that the Human Rights Commission prepared. This includes a 2019 review and work plan accomplishments as well as a breakdown of the 4 quarter's work for that year.

Santelices provided an outline of the 2020 proposed workplan and addressed questions from the Council.

### 2. Review of Council Procedures

Mayor Harris gave an overview of items for the Council to discuss. certain procedures like having the agendas on a large screen, outreach processes for open houses, and how the City is upholding the Valley Values. The Council also discussed the process of generating agendas and how any potential additions to an existing agenda could be suggested for future draft agendas. Setting a preliminary stop to Council meetings and the policy for the public to offer commentary during public hearings and open forum were also addressed.

City Manager Cruikshank gave an update on the current evolving COVID-19 situation and the City's preparation practices. Cruikshank anticipated that if the City operations were to get impacted and some or all City facilities were to close, to the extent possible City staff would work remotely through City issued devices and a virtual private network and continue to be paid.

### 3. Council Review of Future Draft Agendas, City Council March 17, City Council April 7, and Council/Manager March 14, 2020

No changes were submitted for future draft agendas.

The meeting adjourned at 8:53 pm.

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Shepard M. Harris, Mayor

ATTEST:

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Tomas Romano, Assistant to the City Manager's Office



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# EXECUTIVE SUMMARY

## Administrative Services

763-593-8013 / 763-593-3969 (fax)

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**Golden Valley City Council Meeting**

**June 2, 2020**

### **Agenda Item**

3. B. Approval of City Check Register

### **Prepared By**

Sue Virnig, Finance Director

### **Summary**

Approval of the check register for various vendor claims against the City of Golden Valley.

### **Financial Or Budget Considerations**

The check register has a general ledger code as to where the claim is charged. At the end of the register is a total amount paid by fund.

### **Recommended Action**

Motion to authorize the payment of the bills as submitted.

### **Supporting Documents**

Document is located on city website at the following location:

<http://weblink.ci.golden-valley.mn.us/WebLink/browse.aspx?id=717279&dbid=2&repo=GoldenValley>

The check register for approval:

- 05/29/20 Check Register



# EXECUTIVE SUMMARY

## City Administration

763-593-8006 / 763-593-8109 (fax)

### Golden Valley City Council Meeting

June 2, 2020

#### Agenda Item

3. C. 1. Approve 2020-2021 Liquor License Renewals

#### Prepared By

Kris Luedke, City Clerk

#### Summary

The following establishments have applied for renewal of their liquor license for the 2020-2021 license term. The applicants listed below have met City Code and State requirements for the renewal of their licenses. The Golden Valley Police Department has conducted background investigations on the establishments listed below and they meet City licensing guidelines. Staff is recommending approval of the following license renewals:

Licensee	Address	License Type
Benihana	850 Louisiana Avenue N.	On-Sale and Sunday
Brookview Golf Course	200 Brookview Parkway	On-Sale and Sunday
Chester Bird American Legion Post 523	200 Lilac Drive N.	Club On-Sale and Sunday
D'Amico and Sons, Inc.	7804 Olson Memorial Hwy.	On-Sale Beer and Wine
Davanni's Pizza & Hoagies	663 Winnetka Avenue N.	On-Sale Beer and Wine
Golden Valley Country Club	7001 Golden Valley Road	On-Sale and Sunday
Golden Valley Holiday #3519	600 Boone Avenue	3.2 Off-Sale
Golden Valley Liquor Barrel	7890 Olson Memorial Hwy.	Off-Sale
Good Day Cafe	5410 Wayzata Blvd.	On-Sale and Sunday
Holiday Inn Express	6051 Golden Valley Drive	3.2 Off-Sale
J.J's Clubhouse	6400 Wayzata Blvd.	On-Sale and Sunday
JLD Group	1301 Theodore Wirth Pky	On-Sale Beer and Wine
Lakeridge Wine & Spirits	2580 Hillsboro Avenue N.	Off-Sale
LAT 14 Asian Eatery	8815 7 <sup>th</sup> Avenue N.	On-Sale and Sunday
Lunds & Byerlys Wine & Spirits	5719 Duluth Street	Off-Sale
Metropolitan Ballroom & Clubroom	5418 Wayzata Blvd.	On-Sale and Sunday
Ramada Minneapolis West	6300 Wayzata Blvd.	On-Sale Beer and Wine
Red Lobster #157	8900 Golden Valley Road	On-Sale and Sunday

<b>Licenses</b>	<b>Address</b>	<b>License Type</b>
Schuller's Tavern	7345 Country Club Drive	On-Sale; Sunday and Off-Sale
Smashburger	509 Winnetka Avenue N.	On-Sale Beer and Wine
Sodexo America	One General Mills Blvd.	On-Sale
Teresa's Mexican Restaurant	5621 Duluth Street	On-Sale and Sunday
Under Pressure Brewer	8806 7 <sup>th</sup> Avenue N.	Brewer Taproom, Brewer Off-Sale and Sunday

The following establishments have applied for renewal of their liquor license for the 2020-2021 license term. The Golden Valley Police Department will be conducting background investigations on the establishments. Staff recommend approval contingent upon a successful back ground investigation:

<b>Licensee</b>	<b>Address</b>	<b>License Type</b>
Cedar Lake Wine	7702 Olson Memorial Hwy.	Off-Sale
Doolittles Woodfire	550 Winnetka Avenue N.	On-Sale and Sunday
Speedway #4443	1930 Douglas Drive N.	3.2 Off-Sale
Speedway #4497	6955 Market Street	3.2 Off-Sale

**Financial Or Budget Considerations**

Fees received for liquor licenses help to defray costs the City incurs to administer license requirements.

**Recommended Action**

Motion to approve the renewal of the liquor licenses for the applicants listed above for the license period of July 1, 2020, through June 30, 2021.

# Environmental Commission

April 27, 2020 – 6:30 pm

## REGULAR MEETING MINUTES

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### 1. Call to Order

The meeting was called to order by Chair Seys at 6:33

### 2. Roll Call

Commissioners present: Tracy Anderson, Tonia Galonska, Dawn Hill,  
Joseph Ramlet, Scott Seys, Jim Stremel and Debra Yahle

Commissioners absent: Susan Phelps

Council Members present: Larry Fonnest

Staff present: Eric Eckman, Environmental Resources Supervisor;  
Drew Chirpich, Environmental Specialist;  
Emma Pierson, MN GreenCorps Member;  
Carrie Nelson, Administrative Assistant

### 3. Approval of Agenda

**MOTION** by Commissioner Hill, seconded by Commissioner Stremmel to approve the agenda of April 27, 2020 and the motion carried with the following change by Chair Seys:

- Add announcements in between items 4 and 5.

### 4. Approval of February 24, 2020 Regular Meeting Minutes

**MOTION** by Commissioner Hill, seconded by Commissioner Ramlet to approve the minutes of February 24, 2020 as submitted and the motion carried with the following changes:

- Correct the spelling of Commissioner Galonska's name in items 3 and 4.

### Announcement:

Chair Seys wanted to thank outgoing Commissioners Tracy Anderson and Youth Commissioner Joe Ramlet for their participation on the Commission.



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## 5. Old Business

### A. Partners in Energy update

Eric Eckman gave an update on the Partners in Energy Program:

- Early April – Internal kick-off meeting with staff and members of the Partners in Energy Team to figure out what everyone’s role will be.
  - o What will success look like?
    - Quantifiable Metrics
    - Having actionable and measurable work tasks
    - Building relationships and support within the community
    - How to support and expand the usage of electric vehicles
    - Increase renewable and clean energy – solar
- Start recruitment process for the Partners in Energy Team in 4-6 weeks
- Covid-19 shouldn’t affect the timeline of the program
- Important to reach out to traditionally under-represented communities to be on the action team.
  - o Engage with Human Rights Commission
  - o Working with multi-family property owners/tenants
  - o Engage with representatives who work with vulnerable populations or economically disadvantaged and elderly populations.

### B. 2019 Annual Report and 2020 Work Plan

**MOTION** by Commissioner Stremel, seconded by Commissioner Galonska to approve the 2019 Annual Report and 2020 Work Plan and the motion carried with the following changes as presented by staff in an updated report from the Communications Department:

- New Pollinator themed picture on front page of the 2019 Annual Report
- A new picture of the DeCola Ponds on page 5 of the 2019 Annual Report
- Added and bolded the titles where needed on the 2020 Proposed Work Plan

Plan

- Picture of butterfly added on 2020 Proposed Work Plan

### C. Update on Solid Waste Licensing

Drew Chirpich gave an update on solid waste licensing:

- All 10 haulers renewed their licenses for 2020-2021 (7 residential, 3 commercial). There was no change in license numbers from the previous year despite new license requirements being adopted by Council in late 2019.
- New license information provided to the City from the haulers for each truck include:
  - Vehicle Number
  - Fuel Type Used
  - Number of Axles each truck has

- What it's used for
- Collection Type
- Inspection Records
- No minimum number of customers or market share is needed to retain a license

D. Curbside Organics Collection

Emma Pierson presented a summary of all information reviewed and work products produced by the Commission as part of its study of Curbside Organics Recycling options in Golden Valley. Staff requested feedback from the Commission to gauge whether it had enough information to determine its preferences or to make a recommendation to the City Council. The Commission discussed the matter and voted to recommend the "All-In – Everyone Pays" option and requested that staff prepare a brief report for the May meeting that includes the recommendation with added language about the uncertainties surrounding COVID-19, and that staff present the results to date of the citizen survey and virtual open house for informational purposes.

**MOTION** by Commissioner Yahle, seconded by Commissioner Hill to approve the recommendation to City Council of an "All-In – Everyone Pays" Curbside Organics Collection option and the motion carried.

The Commission recommendation and all other community engagement and stakeholder feedback will be presented to City Council at the Council/Manager Meeting in June.

**6. New Business**

A. GreenStep Cities Step 4 & 5 - New Stormwater Assessment Tool

Our score in the New Stormwater Assessment Tool went down slightly because the new tool is more comprehensive than the old tool that was retired. Also, the heavy, wet, clay soils in Golden Valley are very limiting in terms of what we can do with Volume Reduction Practices like infiltration. However, there is room for improvement and this will be addressed as part of the City's Step 5 actions in 2020-21.

On the positive side, the City is doing a lot with floodplain management. Its participation in FEMA's Community Rating System has made it possible for eligible residents to participate in the City's flood mitigation cost share program and to receive discounts on flood insurance.

**MOTION** by Commissioner Galonska, seconded by Commissioner Yahle to approve the New Stormwater Assessment for GreenStep Cities and the motion carried.

B. Program/Project Updates

- There are 4 ponds currently being inspected by the City. We look at:

- Condition of Stormwater Pipes and Structures
- The extent of erosion and sediment deposition
- Pond depths and treatment capacity

- Waste Zero Simple Textile Curbside Recycling Program temporarily stopped pick-up due to Covid-19 but did resume as of April 27, 2020.

C. Council Updates

Council Member Fonnest gave some Council Updates:

- Due to Covid-19, in the interest of conserving funds and resources, the Council voted to postpone the 2020 PMP and the 2020 Bike Lane Project.
- The City recently furloughed 65 employees, mainly from the Parks & Rec Department due to Covid-19.
- The Council has been working with Governor Walz's office and our Representatives to learn of any upcoming resources being made available to the City in upcoming months.
- The main goal of the Council is to safeguard the residents from any unnecessary burdens in the future.

D. Other Business

None

7. **Adjournment**

**MOTION** by Commissioner Ramlet, seconded by Commissioner Galonska to adjourn the meeting at 8:14 pm and the motion carried.

**ATTEST:**

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Carrie Nelson, Administrative Assistant

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Scott Seys, Chair



# EXECUTIVE SUMMARY

## Public Works

763-593-8030 / 763-593-3988 (fax)

### Golden Valley City Council Meeting

June 2, 2020

#### Agenda Item

3. E. 1. Approve Purchase of City Vehicles

#### Prepared By

Tim Kieffer, Public Works Director

Marshall Beugen, Street and Vehicle Maintenance Supervisor

#### Summary

Staff replace City vehicles yearly to keep the fleet in good working condition and stabilize the budgetary impact from year to year. Staff evaluate vehicles and equipment on an annual basis to determine replacement programming. Staff continue to use these vehicles on a daily basis and recommend pursuing purchasing replacement vehicles despite the current environment.

The vehicles scheduled for replacement meets the criteria set forth in the City’s Vehicle Replacement Policy and Vehicle Condition Index (VCI). The VCI is a tool utilized to assess all vehicles and equipment scheduled for replacement. Any vehicle/equipment scoring 23 to 27 points meets the category of “qualifies for replacement.” A vehicle or equipment scoring 28 points and above meets the category of “needs immediate consideration.” Below is a summary of the ratings:

Vehicle Condition Index			
Qualifies for Replacement 23-27		Needs Immediate Consideration 28 and above	
Vehicle	Unit No.	Year/Make/Model	VCI
Park Maintenance Hook Truck	477	2010 Ford F-550 Hook Truck	29
Utility Maintenance Hook Truck	690	2010 Ford F-550 Hook Truck	25
Street Maintenance Hook Truck	791	2010 Ford F-550 Hook Truck	26

Staff recommend purchasing the vehicles and hook systems from the state contract through the State of Minnesota’s cooperative purchasing venture (CPV). Staff proposed to use contract numbers 170310 and 167783.

The existing roll-off dump bodies will be reused with the new truck chassis to reduce the overall cost of the purchases.

**Financial Or Budget Considerations**

The 2020 Vehicles and Equipment Capital Improvement Program includes \$160,000 for the purchase of the Park and Street Maintenance vehicles (V&E-142 and V&E-146 respectfully). The total cost for the two vehicles is \$141,261.84.

The 2020 Water & Sewer Systems CIP includes \$80,000 for the purchase of the Utility Maintenance vehicle (W&SS-004). The total cost for the truck is \$70,630.92.

**Recommended Action**

Motion to approve purchase of three F-550 cab and chassis from Midway Ford in the amount of \$129,215.77.

Motion to approve purchase of three Swaploader hook systems from Aspen Equipment in the amount of \$82,677.00.

**Supporting Documents**

- Midway Ford Quote (1 page)
- Aspen Equipment Quote (1 page)

**Midway Ford Commercial**  
**Fleet and Government Sales**  
 2777 N. Snelling Ave.  
 Roseville MN 55113



Travis Swanson  
 651-343-5212  
[tswanson@rosevillemidwayford.com](mailto:tswanson@rosevillemidwayford.com)

Fax # 651-604-2936

**FCCM40 Contract # 170310**  
**2020 F-550 4x4 Regular Cab- 84" CA DRW XL F5H**

**Standard**

**Automatic Transmission**  
**Dual Front Air Bags**  
**AM/FM Radio**  
**Tilt Wheel**  
**Upfitter Switches**

**40/20/40 Vinyl Front Seat**  
**4-Wheel ABS Brakes**  
**Air Conditioning**  
**225/70r19.5 All Season Tires**

**Front Tow Hooks**  
**Rubber Floor Covering**  
**Black Bumper**  
**7.3L V8**

Options	Code	Price	Select			
4.88 Limited Slip	X8L	\$328	x			
19,500 GVWR	68M	\$1,051	x			
Traction Tires	TGK	\$195	x			
Spare Wheel & Tire	512	\$319	x			
Power Group	90L	\$832	x			
Snow Plow prep	473	\$228	x			
Block Heater	41H	\$91	x			
PTO provision	62R	\$254	x			
Dual Batteries	86M	\$191	x			
397 Amp alternator	67B	\$104	x			
Brake Controller	52B	\$246	x			
Daytime Running lights	942	\$41	x			
Rear View Camera	872	\$377	x			
TigerTough Seat Covers		\$400	x			
WeatherTech Mats		\$110	x			
Luverne Boards		\$750	x			
Option Total		\$5,517				
				<b>Exterior Colors</b>	<b>Code</b>	<b>Select</b>
				Blue Jeans Metallic	N1	
				Race Red	PQ	
				Caribou Metallic	LQ	
				Agate Black	UM	
				Magnetic Metallic	J7	
				Ingot Silver Metallic	UX	
				Oxford White	Z1	x
				<b>Extended Service Contracts</b>		
					<b>Cost</b>	<b>Select</b>
				7 year/75,000 mile	\$2,570	
				PremiumCare Warranty		
				(Bumper to Bumper)		

Base Price	Totals
	\$34,761.80
Options Price Totals	\$5,517.00
Extended Warranty	
Transit Impr Excise Tax	\$20.00
Tax Exempt Lic	\$55.00
6.5% Sales Tax	\$2,618.12
Document fee	\$100.00
Sub total per vehicle	\$43,071.92
Number of Vehicles	3
<b>Grand Total for all units</b>	<b>\$129,215.77</b>

You must have a active FIN code to participate in this purchase contract : FIN code #   
**Purchase Order required prior to order placement**

PO #   
 Name of Organization   
 Address   
 City, State, Zip

Acceptance Signature  Contact Person/ Phone #

Print Name and Title  Date  Contact's e-mail address and fax #



CORPORATE HEADQUARTERS: 9150 Pillsbury Avenue South, Bloomington, MN 55420-3686 - Phone: (952) 888-2525 - Fax: (952) 656-7159 - Website: www.aspenequipment.com

Cust Name: **City Of Golden Valley**      **Quote Number:**      Quote Date:      1/10/2020  
 Contact: **Marshall Beugen**      CITY OF GOLDEN VALLEY-25-SWA-43840-12-50-v1  
 Phone: 763-593-8085      E-Mail:      MBeugen@goldenvalleymn.gov  
 Fax:      E-Mail:      MBeugen@goldenvalleymn.gov  
**Dealership:**  
**Contact:**

**Aspen Equipment is pleased to offer the following quotation for your consideration**

Qty	Part/Spec Number	Description	Installed
1	7.01 12H55	SL-105 Swaploader fixed jib 35-5/8", 10,500 lb. cap, 10' to 13' body length Integral slide through body lock down plates Dual double acting hydraulic lift/load cylinders Jib lock (Prevents jib operation while in the dump mode) Sliding Jib (Greater dump capacity and adj. weight distribution) Heavy-duty beveled rear rollers Heavy-duty rear pivot assembly Hoist mainframe constructed with "Z" rail configuration Nylatron slide/wear pads 1/2" thick, 3 per side Low pressure hydraulics with single section pump Dual cab mounted cable control levers Frame mounted reservoir with sight level, thermometer and filter Factory coating only, painting optional	\$18,720.00
1	7.03 LH-20P31 or RH-21P02	Pump Assembly for SL-105	\$852.00
1	7.05 PAINT (SM)	Painting of hoist assembly single stage black (SL105-SL145)	\$872.00
1	7.08 LED-LB	Light Bar STT, Backup, License, Marker in sealed enclosure	\$1,266.00
1	7.11 52H11	Rear Bumper (Fits all models)	\$566.00
1	7.02 Hotshift PTO 1075586	Hotshift PTO for Automatic Transmission (Light truck) Diesel 15GPM (CCCS)	\$2,520.00
1	8.004 Backup Camera	Relocate factory installed backup camera system, Over 10,000 GVWR, please advise view	\$462.00
1	8.006 Poly Fenders LT	Minimizer poly fender pair, fits 19.5" wheel, Poly brackets	\$939.00
2	8.276 3861A	ECCO 2" x 6" Grommet Mount Amber LED Strobe, Class 1	\$288.00
1	8.293 R1LPPA	Whelen 15" Low Profile CON3 Amber Strobe Bar, Permanent Mount, Class 1	\$259.00
1.5	8.314 Strobe Installation PR	Mount strobe pair, route wire to switch, tie-up and guard.	\$693.00
1	8.317 Wire Hot	Wire Strobes Hot	\$116.00
2	8.369 50-60700-3	Rubber Grommet for strobe lights,	\$6.00

State of Minnesota Contract 167783

Tax Note: Applicable sales tax and/or FET estimates will be confirmed and added to the final invoice

Submitted by,	Quote Sub Total:	\$27,559.00
<b>Mark Lundeen</b>	<b>Estimated Sales Tax:</b>	\$0.00
612-719-4414	<b>Total:</b>	<b>\$27,559.00</b>

- F.O.B.: Bloomington, MN (Unless otherwise specified)
- Equipment Specifications subject to change
- Quote valid for 30 days from date of quotation

\* Chassis modifications including, but not limited to alterations or relocation of components related to fuel tanks, air tanks, brakes, exhaust systems, battery boxes, protrusions above and below the frame rails, shortening or lengthening frame rails and the like will be added to the selling price. \*\*Mfg's Surcharges may be added to this quotation.

**Exhaust Systems:** With the new EPA mandated diesel exhaust systems for 2007 and newer many changes are taking place. Manufacturers are often unable to depict accurately how the exhaust systems are configured and have difficulty stipulating whether certain components (i.e. PTOs and pumps) may fit in the confined spaces beneath the truck. 2007 EPA COMPLIANT DIESEL EXHAUST SYSTEMS CANNOT BE MODIFIED, RELOCATED OR REPLACED BY ASPEN EQUIPMENT. Due to evolving designs, Aspen Equipment can not maintain expertise on every chassis/engine/transmission/exhaust configuration possible, regardless of who orders or specifies it. Nor can Aspen Equipment guarantee that a chassis ordered today will not change in design prior to delivery from the factory. Therefore, Aspen Equipment does not warrant that quoted products can be installed on a chassis without modifications to the chassis or products installed. As such, Aspen Equipment will not be responsible for the cost of modifications due to exhaust systems conflicting with the installation of quoted products. Aspen Equipment will make every reasonable effort to ensure that installations are completed without additional charges to the customer.



# EXECUTIVE SUMMARY

## Administrative Services

763-593-8013 / 763-593-3969 (fax)

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### Golden Valley City Council Meeting

June 2, 2020

#### **Agenda Item**

3. F. 1. Acceptance of Donation of Face Masks and Filters

#### **Prepared By**

Sue Virnig, Finance Director

#### **Summary**

On May 27, Joanie Clausen donated 84 face masks and filters, 74 to public safety and 10 to the management team employees. Ms. Clausen wanted to make sure our employees were safe during this pandemic.

As adopted in the Donation Gift Policy, a gift of real or personal property must be accepted by the City Council by resolution and be approved by two-thirds majority of the Council.

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

None.

#### **Recommended Action**

Motion to adopt Resolution accepting a donation of 84 face masks and filters.

#### **Supporting Documents**

- Resolution Accepting a Donation of 84 face masks and filters (1 page)

RESOLUTION NO. 20-32

RESOLUTION ACCEPTING THE DONATION  
OF FACE MASKS AND FILTERS

WHEREAS, the City Council adopted Resolution 04-20 on March 16, 2004, which established a policy for the receipt of gifts; and

WHEREAS, the Resolution states that a gift of real or personal property must be accepted by the City Council by resolution and be approved by a two-thirds majority of the Council. A cash donation must be acknowledged and accepted by motion with a simple majority; and

WHEREAS, the 84 face masks and filters were donated for its essential public safety and management team employees by Joanie Clausen.

NOW, THEREFORE, BE IT RESOLVED that the City Council accept the following donations on behalf of its citizens:

84 face masks and filters

Adopted by the City Council of Golden Valley, Minnesota this 2<sup>nd</sup> day of June, 2020.

\_\_\_\_\_  
Shepard M. Harris, Mayor

ATTEST:

\_\_\_\_\_  
Kristine A. Luedke, City Clerk



# EXECUTIVE SUMMARY

## City Administration

763-593-8006 / 763-593-8109 (fax)

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### Golden Valley City Council Meeting

June 2, 2020

#### **Agenda Item**

3. G. Accept Resignation from the Open Space and Recreation Commission

#### **Prepared By**

Tomás Romano, Assistant to the City Manager's Office

#### **Summary**

Commissioner Max Hyberger has submitted his resignation from the Open Space and Recreation Commission

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

Not applicable

#### **Recommended Action**

Motion to accept the resignation of Max Hyberger from the Open Space and Recreation Commission.



# EXECUTIVE SUMMARY

## Physical Development

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

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### Golden Valley City Council Meeting

June 2, 2020

#### Agenda Item

4. A. 1. Public Hearing – Amendment to the Future Land Use Map – 7345 Country Club Drive

#### Prepared By

Jason Zimmerman, Planning Manager

#### Summary

Paul Jacob is proposing to amend the Future Land Use Map to guide the property at 7345 Country Club Drive for Retail/Service use instead of the current guidance as Low Density Residential. In addition, he proposes to rezone the property from Single-Family Residential (R-1) to Commercial. These changes are necessary in order to eventually construct an outdoor patio on the property, providing a new amenity that the applicant hopes will enhance the experience for current patrons and attract new customers.

The Planning Commission recommended denial of the amendment (7-0) at its meeting on May 11.

The 60 day deadline for action on this item was April 27. A 60 day extension was granted through June 26.

#### Background

Although Schuller's Tavern has operated at this location for decades, the guided land use has been designated as Single-Family or Low Density Residential since at least 1977 and likely for a period of time before that. A Zoning Map from the first part of 1956 shows the property zoned as Commercial, but at some point later that year it was rezoned to Single-Family Residential (R-1) along with other parts of Golden Valley.

In 2012, the property owner submitted an application essentially identical to the current one in order to reguide the property for Retail/Service use and to rezone it to Commercial. The Planning Commission recommended denial at that time, and the City Council tabled the request without taking action. In 2013, the City Council discussed the possibility of reguiding this property at a Council/Manager meeting and declined to support doing so. In 2014, the topic was once again on a Council/Manager agenda and this time the Council indicated they were open to considering the changes. The property owner subsequently indicated in a letter to the City Council that they intended to move forward with the process, but no action was taken.

#### Required Process

The path to constructing an outdoor patio has many steps, even beyond the change in guided land use and the rezoning which each require a two-thirds affirmative vote at City Council. While a bar/restaurant did not require a Conditional Use Permit to operate when Schuller's was established, the current zoning

code does have that requirement and the change in zoning designation would trigger it. Assuming a Conditional Use Permit is granted by the City, the final hurdle is that the existing building is non-conforming with respect to a handful of current zoning requirements (mostly around setbacks). These non-conformities would need to be approved via variances at the Board of Zoning Appeals before plans for the outdoor patio could move forward. In addition, the patio itself would need a variance to be located within the front yard, or first 35 feet of the site.

### **Neighborhood Notification**

The City's adopted Neighborhood Notification Policy requires a neighborhood meeting be held for proposals that would change the designation of a property from residential to commercial. However, due to the social distancing guidelines established by the State of Minnesota and the State of Emergency declared by the City Council, this requirement was altered and instead of a neighborhood meeting, a letter was sent to property owners within the notification radius in late March and extended time was allowed for comments to be collected by City staff in advance of the public hearing before the Planning Commission.

Staff received three written comments on the proposal prior to the Planning Commission meeting (attached) – two were in opposition and one was in favor of the change. Three residents also called in to the meeting and all three opposed changing the guided land use. Those in opposition cited the likelihood of additional noise and congestion associated with the installation of an outdoor patio, the potential incompatibility of other potential commercial uses with the surrounding residential neighborhood, and the possibility the change could be classified as spot zoning.

### **Evaluation of Request**

The City Code does not set for specific standards for changing a future land use designation, and the City Council – with the input of the Planning Commission – has a great deal of latitude in deciding if the request can be considered to be consistent with the overall direction and vision of the Comprehensive Plan. In making a determination, the City should take into account the land use descriptions outlined in the plan as well as any potential impacts on the character of the area.

The 2040 Comprehensive Plan has the following description of the Retail/Service land use:

This category includes land used for the provision of goods and services, which encompasses a large variety of establishments such as shops, restaurants, medical offices, hotels, and entertainment facilities. This land use is located near high-density residential, office, and institutional uses while generating employment and providing services in the community.

The Low Density Residential land use is described as:

This category includes primarily single-family detached units but may include single-family and two-family attached units in scattered locations as appropriate. This land use should be surrounded by other land uses with minimal impacts, such as institutional and open space.

Amending the Future Land Use Map to allow Retail/Service uses at this site would not just provide an opening for Schuller's Tavern to expand its business with an outdoor patio, but would lay the

groundwork for other business activity at this location should Schuller's close at some point in the future. While many might support Schuller's given its long history as a bar and social gathering place, and would perhaps feel comfortable accommodating any increase in patron activity on the property (via the new outdoor patio) or in the neighborhood (as vehicles come and go from in front of surrounding homes), many other possible uses allowed under the proposed land use designation might be less tolerated.

The Planning Commission indicated the proposed change in land use would create the opportunity for negative impacts to the single-family neighborhood that surrounds the subject property in terms of noise, light, parking congestion, and late night activity in the near term and the possibility of greater impacts from other commercial uses in the longer term. Given the shape of the lot and the manner in which it extends and is partially surrounded by single-family homes, a change to a Retail/Service land use designation does not appear to be consistent with the Comprehensive Plan's stated goal of Minimizing Conflicts and Impacts of Change (Land Use Goal 2) and the objectives of Protecting Existing Residential Neighborhoods (Objective 1) and Supporting Non-Residential Growth Opportunities while Respecting Adjacent Properties (Objective 2).

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

None

#### **Recommended Action**

Based on the findings below, motion to deny the requested amendment to the Future Land Use Map, changing the guided land use for 7345 Country Club Drive from Low Density Residential to Retail/Service.

Findings for denial:

1. The change in guided land use would create opportunities for negative impacts (noise, lights, congestion) to the single-family neighborhood that surrounds Schuller's Tavern. This is inconsistent with the 2040 Comprehensive Plan objectives of Protecting Existing Residential Neighborhoods and Supporting Non-Residential Growth Opportunities while Respecting Adjacent Neighborhoods.
2. The change in guided land use would pave the way for the possibility of greater impacts in the future through the establishment of other permitted or conditional commercial uses. This is inconsistent with the 2040 Comprehensive Plan goal of Minimizing Conflicts and Impacts of Change.

Approval of the requested amendment would require four votes from the City Council (a two-thirds majority). Should the Council vote to approve the change, the amendment would need to be submitted to the Metropolitan Council for review prior to a zoning change being completed.

#### **Supporting Documents**

- Memo to the Planning Commission dated May 11, 2020 (4 pages)
- Minutes of the Planning Commission meeting dated May 11, 2020 (5 pages)
- Location Map (1 page)
- Letters from Neighbors (23 pages)
- Minutes from Planning Commission meeting dated July 9, 2012 (8 pages)



# MEMORANDUM

## Planning Department

763-593-8095 / 763-593-8109 (fax)

**Date:** May 11, 2020  
**To:** Golden Valley Planning Commission  
**From:** Jason Zimmerman, Planning Manager  
**Subject:** Informal Public Hearing – Future Land Use Map Amendment for 7345 Country Club Drive

**Property address:** 7345 Country Club Drive

**Applicant:** Paul Jacob

**Property owner:** Ramez Jacob

**Zoning District:** Single-Family (R-1) Residential

**Lot size:** 21,402 sq. ft. (0.49 acres)

**Current use:** Bar/Restaurant (Schuller's Tavern)

**Future land use:** Low Density Residential

**Adjacent uses:** Single-family homes, Golden Valley Country Club, Meadow Ridge Senior Living



2018 aerial photo (Hennepin County)

## **Summary of Request**

Paul Jacob is proposing to amend the Future Land Use Map to guide the property at 7345 Country Club Drive for Retail/Service use instead of the current guidance as Low Density Residential. In addition, he proposes to rezone the property from Single-Family Residential (R-1) to Commercial. These changes are necessary in order to eventually construct an outdoor patio on the property, providing a new amenity that the applicant hopes will enhance the experience for current patrons and attract new customers.

## **Background**

Although Schuller's Tavern has operated at this location for decades, the guided land use has been designated as Single-Family or Low Density Residential since at least 1977 and likely for a period of time before that. A Zoning Map from the first part of 1956 shows the property zoned as Commercial, but at some point later that year it was rezoned to Single-Family Residential (R-1) along with other parts of Golden Valley.

In 2012, the property owner submitted an application essentially identical to the current one in order to reguide the property for Retail/Service use and to rezone it to Commercial. The Planning Commission recommended denial at that time, and the City Council tabled the request without taking action. In 2013, the City Council discussed the possibility of reguiding this property at a Council/Manager meeting and declined to support doing so. In 2014, the topic was once again on a Council/Manager agenda and this time the Council indicated they were open to considering the changes. The property owner subsequently indicated in a letter to the City Council that they intended to move forward with the process, but no action was taken.

The primary concern expressed by the Planning Commission and City Council in 2012 was the permanence of the zoning change that was being considered. If, after the property was rezoned, Schuller's were ever to close, the site would remain zoned for Commercial use and any number of businesses could locate there by-right or with a Conditional Use Permit. The City would have little to no control over any future commercial use and there was concern that some of these could be detrimental to the surrounding single-family neighborhood. In addition, many residents from the area spoke at the public hearings expressing concern about the likely increase in noise associated with an outdoor patio as well as additional parking and general disruptions along the streets in front of their homes as a result of a greater number of patrons using the patio.

## **Existing Conditions**

Schuller's Tavern sits on a triangular piece of land directly south of the Golden Valley Country Club and just north of a single-family neighborhood. A senior facility and other non-residential uses are located within a block or two to the west of the site.

There is a large parking lot with approximately 113 parking spaces in the widest portion of the lot while a one-story building sits in the narrower portion. The proposed outdoor patio would sit in the far western portion of the lot in an area that is currently lawn.

Updates were made to the interior of the building in 2020 to make it ADA compliant. The sanitary sewer line was also inspected in early 2020 in order to determine if it met the City's Inflow and Infiltration standards. A Certificate of Compliance was issued in early March.

### **Required Process**

The path to constructing an outdoor patio has many steps, even beyond the change in guided land use and the rezoning which each require a two-thirds affirmative vote at City Council. While a bar/restaurant did not require a Conditional Use Permit to operate when Schuller's was established, the current zoning code does have that requirement and the change in zoning designation would trigger it. Assuming the City grants a Conditional Use Permit, the final hurdle is that the existing building is non-conforming with respect to a handful of current zoning requirements (mostly around setbacks). These non-conformities would need to be approved via variances at the Board of Zoning Appeals before plans for the outdoor patio could move forward. In addition, the patio itself would need a variance to be located within the front yard, or first 35 feet of the site.

### **Neighborhood Notification**

The City's adopted Neighborhood Notification Policy requires a neighborhood meeting be held for proposals that would change the designation of a property from residential to commercial. However, due to the social distancing guidelines established by the State of Minnesota and the State of Emergency declared by the City Council, this requirement was altered and instead of a neighborhood meeting, a letter was sent to property owners within the notification radius in late March and extended time was allowed for comments to be collected by City staff in advance of the public hearing before the Planning Commission.

Staff received three written comments on the proposal (attached) – two were in opposition and one was in favor of the change. Those in opposition cited the likelihood of additional noise and congestion associated with the installation of an outdoor patio, the potential incompatibility of other potential commercial uses with the surrounding residential neighborhood, and the possibility the change could be classified as spot zoning.

### **Staff Review**

The City Code does not set specific standards for changing a future land use designation, and the City Council – with the input of the Planning Commission – has a great deal of latitude in deciding if the request is consistent with the overall direction and vision of the Comprehensive Plan. In making a determination, the City should take into account the land use descriptions outlined in the Comprehensive Plan as well as any potential impacts on the character of the area.

The 2040 Comprehensive Plan has the following description of the Retail/Service land use:

This category includes land used for the provision of goods and services, which encompasses a large variety of establishments such as shops, restaurants, medical offices, hotels, and entertainment facilities. This land use is located near high-

density residential, office, and institutional uses while generating employment and providing services in the community.

The Low Density Residential land use is described as follows:

This category includes primarily single-family detached units but may include single-family and two-family attached units in scattered locations as appropriate. This land use should be surrounded by other land uses with minimal impacts, such as institutional and open space.

Amending the Future Land Use Map to allow Retail/Service uses at this site would not only provide an opening for Schuller's Tavern to expand its business with an outdoor patio, but would lay the groundwork for other business activity at this location should Schuller's close at some point in the future. While many might support Schuller's given its long history as a bar and social gathering place, and would perhaps feel comfortable accommodating any increase in patron activity on the property (via the new outdoor patio) or in the neighborhood (as vehicles come and go from the site), many other possible uses allowed under the proposed land use designation might be less tolerated.

Staff believes the proposed change in land use would create the opportunity for negative impacts to the single-family neighborhood that surrounds the subject property in terms of noise, light, parking congestion, and late night activity in the near term and the possibility of greater impacts from other commercial uses in the longer term. Given the shape of the lot and the manner in which it extends and is partially surrounded by single-family homes, a change to a Retail/Service land use designation does not appear to be consistent with the Comprehensive Plan's stated goal of Minimizing Conflicts and Impacts of Change (Land Use Goal 2) and the objectives of Protecting Existing Residential Neighborhoods (Objective 1) and Supporting Non-Residential Growth Opportunities while Respecting Adjacent Properties (Objective 2).

**Recommended Action**

Based on the findings above, staff recommends denial of the requested amendment to the Future Land Use Map, changing the guided land use for 7345 Country Club Drive from Low Density Residential to Retail/Service.

**Attachments:**

- Location Map (1 page)
- Future Land Use Map from 2020 Comprehensive Plan (1 page)
- Letters from Neighbors (4 pages)
- Minutes from Planning Commission meeting dated July 9, 2012 (8 pages)

# Planning Commission

May 11, 2020 – 7 pm

## REGULAR MEETING MINUTES

This meeting was held via Webex in accordance with the local emergency declaration made by the City under Minn. Stat. § 12.37. In accordance with that declaration, beginning on March 16, 2020, all Planning Commission meetings held during the emergency were conducted electronically. The City used Webex to conduct this meeting and members of the public were able to monitor the meetings by watching it on Comcast cable channel 16, by streaming it on CCXmedia.org, or by dialing in to the public call-in line. The public was able to participate in this meeting during public comment sections, by dialing the public call-in line.

### 1. Call to Order

The meeting was called to order at 7:05 by **Chair Blum**.

#### Roll Call

Commissioners present: Rich Baker, Ron Blum, Adam Brookins, Andy Johnson, Lauren Pockl, Ryan Sadeghi, Chuck Segelbaum,

Commissioners absent: Ari Prohofsky

Staff present: Jason Zimmerman – Planning Manager

Council Liaison present: Gillian Rosenquist

### 2. Approval of Agenda

**Chair Blum**, asked for a motion to approve the agenda.

**MOTION** made by **Commissioner Brookins**, seconded by **Commissioner Segelbaum** to approve the agenda of May 11, 2020, as submitted. Staff called a roll call vote and the motion carried unanimously.

### 3. Approval of Minutes

**Chair Blum** made a correction to the minutes from the April 27, 2020 meeting and assuming those corrections were made, asked for a motion to approve the minutes from April 27, 2020.

**MOTION** made by **Commissioner Brookins**, seconded by **Commissioner Johnson** to approve the meeting minutes, after the correction was made, from April 27, 2020. Staff called a roll call vote and the motion carried unanimously.

### 4. Informal Public Hearing – Amendment to Future Land Use Map

Applicant: Paul Jacob

Address: 7345 Country Club Drive

Purpose: To modify the guided land use from Low Density Residential to Retail/Service

**[ITEM 4 & 5 ARE PRESENTED TOGETHER]**



This document is available in alternate formats upon a 72-hour request. Please call 763-593-8006 (TTY: 763-593-3968) to make a request. Examples of alternate formats may include large print, electronic, Braille, audiocassette, etc.



## 5. Informal Public Hearing – Amendment to Zoning Map

Applicant: Paul Jacob  
Address: 7345 Country Club Drive  
Purpose: To modify the zoning designation from Single-Family Residential (R-1) to Commercial

**Jason Zimmerman, Planning Manager**, started by explaining the proposal by the applicant to amend the Future Land Use Map which would be a modification of the 2040 Comprehensive Plan. This amendment changes the land-use designation from Low Density Residential to Retail/Service. The applicant's second proposal was to amend the Zoning Map in order to rezone Schuller's. This amendment would change the zoning from Single-Family Residential to Commercial. The elements of the proposal have an end goal of creating an outdoor patio for customers. Adding the patio qualifies as an expansion and in order to do so, zoning and land use designations must be changed as the current non-conforming statute allows use to continue but not expansion.

By way of background, **Zimmerman** explained Schuller's is a bar/restaurant, operating at its current location for decades and is considered non-conforming. The guided land use has been designated as a Single-Family or Low Density Residential since at least 1977. A zoning map from the first part of 1956 shows the property zoned as commercial, but later that year it was rezoned to a Single-Family Residential (R-1).

**Zimmerman** reminded the Commissioners that Schuller's made a similar request in 2012, the Planning Commission recommended denial and City Council tabled the item and did not vote. In 2013 the City Council discussed the change and did not support it. In 2014 the Council supported moving forward but there was not an application submitted.

Moving on to the steps in the process, **Zimmerman** stated that if the land use change was approved by the City, it must follow these next steps:

1. Be approved by the Metropolitan Council as a Comprehensive Plan amendment.
2. Once Met. Council grants approval, the zoning change may occur.
3. Then a CUP is needed which may then set additional regulations on setbacks, hours, noise, etc
4. Variances would be needed for existing setbacks as well as for the new patio.

**Zimmerman** informed the group on the neighbor notification process for this proposal and typically that includes a neighborhood meeting. Current Covid-19 restrictions discouraged this and a neighborhood mailing was sent instead with an extended comment period. Planning staff received three emails and two phone calls.

**Zimmerman** expanded on the zoning and land use definitions as well as the idea of "spot-zoning". Regarding Land Use changes, there aren't specific standards outlined in the City Code but the City

Attorney urges the Planning Commission to consider land-use descriptions that are contained in the comprehensive plan. When looking at the zoning changes, the City Attorney urges the Commissioners to consider the purpose of the Zoning Chapter *to regulate land use ... for the purpose of promoting the health, safety, order, convenience, and general welfare of all citizens of the City.*

Staff has two primary concerns regarding this proposal:

1. The construction of an outdoor patio in a primarily single-family neighborhood increases the likelihood of complaints related to noise, lights, traffic, etc.
2. Potential changes would not be limited to Schuller's, but would include any other future Permitted or Conditional Use in the Commercial Zoning District

Aside from that, changing the land use does not appear to be consistent with the following Comp. Plan goals and objectives:

- Minimizing Conflicts and Impacts of Change (Land Use Chapter, Goal 2)
- Protecting Existing Residential Neighborhoods (Objective 1)
- Supporting Non-residential Growth Opportunities while Respecting Adjacent Properties (Objective 2)

Being that the request to change the land use designation of the property from Low Density Residential to Retail/Service would be inconsistent with the goals and objectives of the 2040 Comprehensive Plan, staff **recommends denial**.

Being that the request to rezone the property from Single-Family Residential (R-1) to Commercial would likely introduce significant impacts to surrounding properties, staff **recommends denial**.

**Commissioner Baker** asked staff how often Land Use and Zoning Changes were approved and what the conditions were. **Zimmerman** responded that there have been about six or so approved and it was generally to accommodate a use for the area that wasn't considered before. Those that were denied, were generally because an applicant wanted to create something new and change a use all together. Commissioner Johnson asked what the maximum height is for a structure in the rezoning proposal. **Zimmerman** responded that it's about 2-3 stories, not much taller than the single-family zoning allows.

**Paul Jacob, Applicant**, is the son of the previous owner of 30 years. **Jacob** stated that Schuller's loses about 30% of their business in the summer and it seems to be due to lack of outside patio seating. Recently renovations have taken place to help upgrade the building and the owners would like to continue business at the current location. **Jacob** said they're willing to make accommodations to reduce noise in order to obtain a patio. Given the current social distancing requirements, the owners feel that once customers are allowed to go to restaurants again, folks will feel the most comfortable with outdoor seating. Being that they can't offer that at all, the owners are concerned for the future of Schuller's.

**Commissioner Segelbaum** asked the applicants if they had comments regarding staff concern over rezoning and opening the door for another restaurant to open in the future. The applicants responded

that their goal was not to rezone but it was part of the process they needed to follow in order to expand and build a patio. They also restated their desire to keep Schuller's.

**Chair Blum** opened the informal public hearing at 7:32pm.

Caller 1: Peter Pluvak, 510 Kelley Drive

Would like the Commission to recommend denial of the proposal and is concerned about the increased traffic to the restaurant and the danger that will lead to residents.

Caller 2: John Ebber 7421 Glenwood Ave

Stated that the neighborhood is low density residential and is in the 2040 Comprehensive Plan as such. Caller is concerned this is spot zoning and is inconsistent with the land use and zoning maps. Economic considerations are enough to constitute a rezoning, as he said was stated by the BZA. Resident encouraged the Commission to recommend denial to the City Council.

Caller 3: Ben Harkins 7028 Schuller Circle

Caller doesn't feel the plan serves the neighborhood and appears to have negative impact. He also stated that he doesn't understand how a blocked off or sheltered patio will be desirable to patrons. Caller is also concerned with the increased traffic, noise and is very concerned about the business being sold and another, larger establishment takes root.

**Chair Blum** closed the public hearing at 7:42pm.

**Chair Blum** asked staff about the applicants offer to create conditions tied to their patio proposal. **Zimmerman** responded that conditions can't be tied to a land use or a rezoning request but rather to a CUP once the former is approved.

**Commissioner Pockl** asked the applicants if there have been changes since the 2012 denial that promotes the request a second time. The applicant responded that it's part of their improvement process. By doing other work and investing in to the building, they were hoping to show the City that they're committed to staying in the building and to keep Schuller's running. **Pockl** asked if there were more upgrades planned. Applicant responded that they already made a few upgrades: new ceiling, new booths, new windows, made the entrance handicap accessible. **Pockl** asked if they've experienced people parking outside of the parking lot when busy. The applicant responded that it has happened but it's really rare and the few added seats that the patio will provide, wouldn't make a noticeable traffic impact. **Commissioner Brookins** asked if there was another zoning type that would be a better fit. **Zimmerman** stated Commercial was the best for a bar restaurant, mixed-use is possible but it opens the door to even more possible future uses.

**Chair Blum** stated that after reviewing the items and regulations, he's in favor of recommending denial as the location is in a clearly defined residential area. **Commissioner Segelbaum** stated that while he's sensitive to the applicant as a business owner, the area is clearly residential and not an appropriate location for a commercial/retail district. **Commissioner Johnson** sited staff's presentation and stated that he feels rezoning this location is inconsistent with the surrounding area. **Commissioner Baker** echoed these comments. **Pockl** stated that this will be spot zoning and doing so is not reasonably

related to public health, safety, morals, and welfare, therefore she is in support of recommending denial.

MOTION made by **Commissioner Segelbaum** to recommend denial to both items:

1. Amendment to Future Land Use Map - To modify the guided land use from Low Density Residential to Retail/Service
2. Amendment to Zoning Map - To modify the zoning designation from Single-Family Residential (R-1) to Commercial

**Commissioner Baker** made a second on the motion

Staff called a roll call vote for each motion and the both passed unanimously.

## 6. Narrow Lots – Discussion

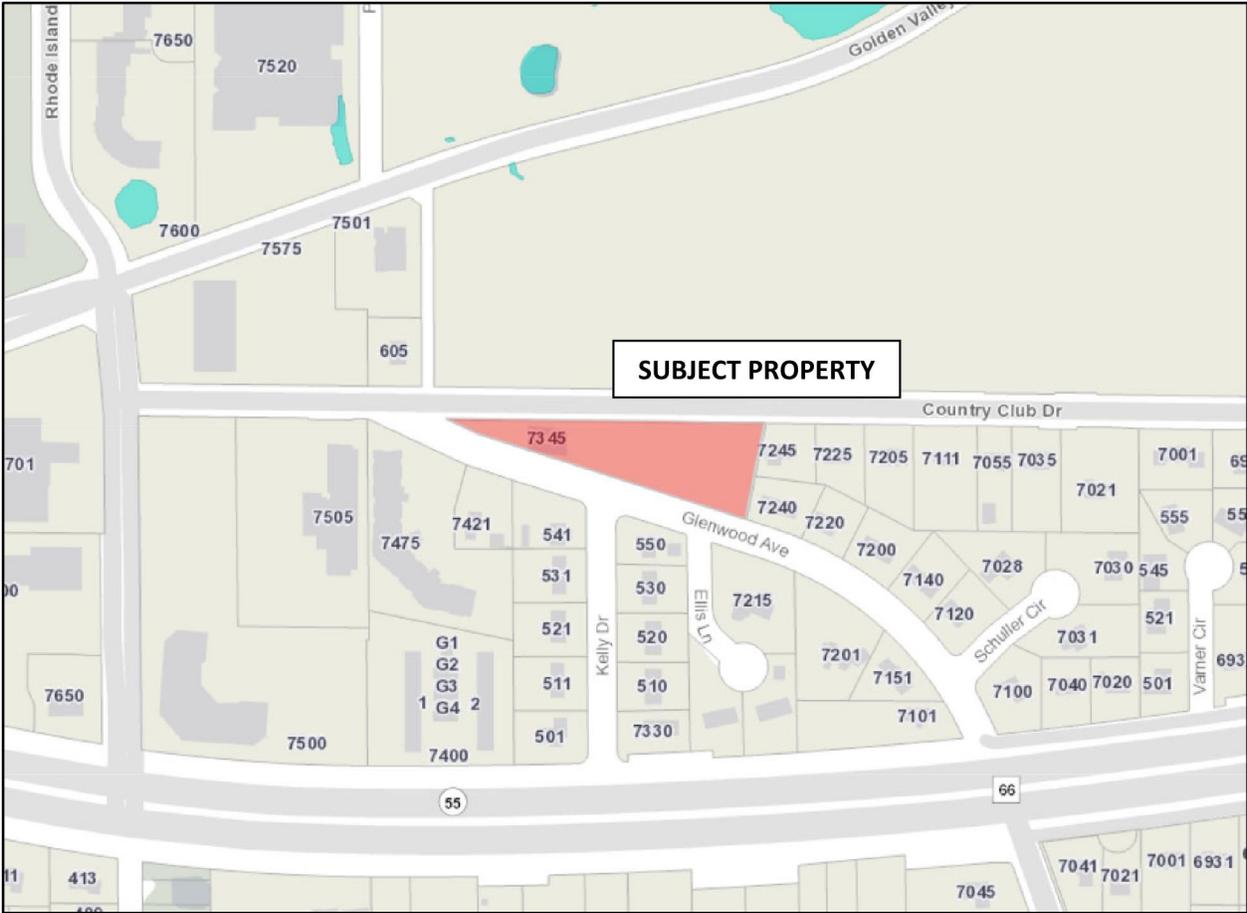
**Jason Zimmerman, Planning Manager**, reviewed the narrow lot discussion thus far and informed the Commissioners on the City's strategic plan moving forward. Considering the possibility of the formal public hearing being via Webex, the Communications team will be creating online resources for residents to gather information, pose questions to staff, and make public comment. This added resource will help alleviate public comment congestion on the call in line when the meeting takes place. **Zimmerman** started his presentation by giving a review of past meetings, recommendations, and the nine proposed changes made at the March 9<sup>th</sup> meeting.

### "Menu" of Proposed Changes

1. Minimum side yard setback of 5 feet
2. Allow one-car garages for lots 50 feet in width or less; limit garage width to 65% of façade
3. Set vertical:horizontal slope of "tent" portion of building envelope to 2:1
4. Lower wall height at side setback line to 13 feet
5. Allow second story dormers to extend outside building envelope
6. Prohibit side wall articulation from extending into side yard setback; no principal structures within 5 feet of property line
7. Reduce secondary front yard setback to 15 feet for lots 65 feet in width or less; maintain 22 feet of building envelope width
8. Reduce lot coverage allowance to 30% for lots under 6,000 square feet
9. Impervious Surfaces – No Changes

Commissioners and staff had a discussion on each item listed. After each item held its conversation, the Chair confirmed consensus on each one until the list concluded. **Zimmerman** reiterated that a webpage with this information will soon be up for public review and comment.

**Televised portion of the meeting concluded at 9:32 pm**



April 3, 2020

I live on Kelly drive and as a neighbor of Schuller's Tavern, our family is IN SUPPORT of their rezoning request from residential to commercial.

I can be contacted at this e-mail address with any other questions.

Thanks,  
Sam Lezon

April 15, 2020

Hello Golden Valley Planning team,

I recently received a letter regarding the request for rezoning of 7345 Country Club Drive (Schuller's) from Single-Family residential to Commercial. I am writing to oppose this type of rezoning in my neighborhood. I certainly look forward to attending the WebEx meeting and sharing opinions, but given the very unique times we're all in – felt it appropriate to share my thoughts and concerns first via letter in case I'm unable to attend for any reason.

In regards to Schullers' request for an outdoor patio, I'm not sure I understand their concern that it's "harder as the years go on to compete with surrounding businesses." All other businesses with patios are in commercially zoned areas. With so many empty business fronts in our local strip mall (and sadly more to come after this pandemic), I simply don't see a burning platform rezone for this oddly specific request.

In addition, their building is dated and old with peeling paint, the parking lot filled with potholes, and the patrons are noisy enough when smoking outside or heading to their cars – occasionally parked in front of my home and overflowing from the parking lot. I'm not sure how I'm supposed to be confident in their ability to maintain an enclosed patio that wouldn't be a neighborhood nuisance when I don't have a lot of confidence already in the upkeep and care today.

This leads to my primary concern - rezoning a lot in my neighborhood into a commercial zone and the long-term impacts this may have. While the Jacobs family can make any argument they may about their business, none of that would matter if the parcel were sold to any other commercial business. Given the extra volatile nature of the industry now, it seems like a valid concern. I would not want this very desirable lot near my home to be fair game for commercial business. It would certainly bring noise, traffic, light pollution, and additional congestion to a neighborhood planned for homes and not commercial businesses. This is the whole point of zoning and why I would be incredibly disappointed to see this lot rezoned to commercial.

I appreciate you taking the time to read through my concerns and take them into consideration as decisions are made. And thank you for getting creative to allow us to share opinions in such a very different environment than we're all used to.

Stay well,

Caroline Jansen

530 Kelly Drive

( ) -

Dear Planning Commissioner,

This letter is regarding the property at 7345 Country Club Drive (Schuller's Tavern) and the upcoming Planning Commission meeting on April 27th. Specifically the request from Schuller's Tavern requesting the re-zoning of the property from Low Density Residential to Commercial – Retail/Service and rezoning the property from Single-Family Residential (R-1) to Commercial.

We are residents at 7421 Glenwood Ave which is located directly across the street from Schuller's Tavern. Schuller's Tavern is grandfathered into our residential neighborhood as a non-conforming use. This zoning allows Schuller's to remain open in their current state, but they are not allowed to expand their footprint, which has protected our neighborhood from further impacts. Before we purchased our property, we met with City Staff about whether Schuller's would be able to expand and we were told there were not able to, due to the zoning restrictions. When the Jacob's purchased their property in 1989, they were aware of these same restrictions. The Schuller's request now wants to change their zoning to Commercial to allow for an expansion of an outdoor drinking area/patio, and granting the request will cause great disturbance and would greatly change the character of the neighborhood.

Our neighborhood has been designated low density residential on the General Land Use Map of Golden Valley since 1959. It has been zoned single family residential since the 1970's, all within the period that Schuller's has been in business. In our opinion, this has been to allow Schuller's to remain in business while protecting the neighborhood from this type of expansion and preventing the loud noise and disturbance an outside drinking area/patio like this would cause. If there had been a historic desire for expansion of the Schuller's property by the City, it would have been part of these plans.

The City of Golden Valley has recently completed their Vision of the Communities future with the 2040 Comprehensive Plan. This plan was crafted in 2016-2018 with the input of residents, businesses, City Commissions, and the City Council and approved by the Metropolitan Council. The Comprehensive plan guides re-development in the City. The Future Land Use of our neighborhood and of Schuller's is identified in the Plan as Low Density Residential, not Commercial or Mixed Use. A number of other new potential Mixed Use Areas were also identified within this Plan, none of these including our Area or Schuller's Tavern.

The plan also identified four Planning Districts, one of which is the Downtown West District (the four quadrants surrounding Winnetka Ave N and Golden Valley Rd) which contain our neighborhood. The city initiated a Downtown Study for this District to determine if anything within that area required further exploration for targeted re-development opportunities, to determine where redevelopment pressure may occur, as well as suggest which parts of the city should be protected from extensive change. Specifically four Sites within the Downtown West District were identified in this process and our neighborhood was not one of them nor was there any discussion about changes in zoning to Schuller's.

So not only in historic planning, but in future City planning, this area has been identified to remain zoned as residential. We feel Schuller's request is simply **a spot zoning request** that doesn't fit any of the Cities long term land use or development plans and would open this option up to other people making similar zoning requests to open a commercial business within other residential zoned area.

Schuller's request has come up in the past. In 2012 the Planning Commission reviewed a similar request and recommended for denial. The Planning Commissioners stated in their meeting notes:

- they didn't feel any commercial use would work at this property, due to the distance to residential properties and this is the reason for zoning and general land use map are the way they are
- that re-designating the land use and re-zoning the property opens it up to too many other possible land uses so it doesn't make sense to amend the general land use map.

- there isn't any way to construct a patio without re-zoning, which opens a Pandora's Box; and while a unique property, it would be stretching the purpose of the general land use plan and zoning designation to allow this and they were not in favor of the change

A planning council member who voted against the denial, did so because he was opposed to the planning council trying to find ways to solve Schuller's attempt to get a patio, as that is not what the commission is for. Another commission member stated they were not optimistic that any zoning category would solve this properties problems.

So my question is what has changed since 2012 that would suddenly make this Schuller's zoning request change palatable or acceptable? There has been no change in the Land Use, Zoning, or the Cities long term plan for this area.

- We understand Schuller's upgraded their bathrooms and they are able to do this under their current Zoning, but just doing this doesn't mean they can get their property re-zoned to Commercial.
- A rationale Schuller's states in a letter we received them about this process is they need this change in zoning to stay competitive. They have operated under these limitations relative to expansion since they bought this establishment 31 years ago. Within the City Zoning Ordinances and from the Board of Zoning Appeals it references that economic considerations alone do not constitute practical difficulties in getting a zoning change and we do not feel this should be the reason this request is granted.
- We understand there are other Bars/restaurants/pubs in Golden Valley that have outside seating and patios, but they are located in commercially zoned areas where this expansion is allowed and there activities will not disturb the residents of a neighborhood. Unfortunately Schuller's is not located in one of these areas and they were aware of this when they purchased the property.

No one disputes that it would be nice for Schuller's to have a patio and we are sure many of their patrons would favor this. However there are reasons why we have long range plans and zoning in place and that is to guide development thoughtfully. If this zoning is changed to commercial, Schuller's could be expanded in size well beyond a patio or it could be sold and another business could come in and develop it into something else that fits commercial zoning. This is why denying the change to commercial and keeping the current non-conforming zoning is so critical to protecting the character of our neighborhood.

This is a bigger issue than whether it is nice to be able to have a drink or eat outside and it comes down to whether the Cities long-term planning is driving development and zoning decisions in the City and will help protect our neighborhood. We appreciate your consideration of our letter and hope the Planning Commission will again recommend denying Schuller's request to change their Zoning to Commercial to the City Council. Please feel free to contact us with any questions.

Sincerely Yours,

John and Cate Hiebert  
7421 Glenwood Ave  
Golden Valley MN 55427



May 28, 2020

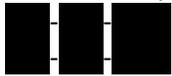
To Whom It May Concern:

I have been a patron of Schuller's for over 30 years. I totally support their request to have patio seating for their restaurant. Given that we are living in the Age of Corona, I think that we need to help support restaurants and other businesses as best we can. Certainly, the addition of patio seating would enhance Schuller's and give our community a place to sit outside and enjoy the outdoors while eating. With the bike path traffic, this would afford a place for rest and as well as a great dining experience.

I enjoy the outdoor patio dining at Brookview Golf Course very much. I would hope that we could afford the same opportunity for the owners of Schuller's

Sincerely,

Bill and MaryPat Gibbs  
1113 Welcome Circle  
Golden Valley, MN 55422



**Luedke, Kris**

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**Subject:** FW: Email the City Manager's Department [#718]

**From:** City of Golden Valley

**Sent:** Tuesday, June 2, 2020 3:36 PM

**To:** Romano, Tomas

**Subject:** Email the City Manager's Department [#718]

**Name \***

Feriale El-Khoury

**Email \***

**Comments \***

I am writing to you to voice my opinion about allowing Schullers restaurant to have a permanent patio. As Covid-19 crisis is threatening small businesses of our community, Shullers is one of our favorite places that we don't want to see disappear for a reason that could be avoided by your decision. Please help our community and allow the small businesses to survive. In such circumstances humanity should prevail. Shullers is part of our community and we would like it to survive.

▪

**Luedke, Kris**

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**Subject:** FW: Email the City Manager's Department [#716]

**From:** City of Golden Valley

**Sent:** Tuesday, June 2, 2020 11:59 AM

**To:** Romano, Tomas

**Subject:** Email the City Manager's Department [#716]

**Name \*** Henry Estephan

**Email \***

**Comments \*** I encourage the city to give Schullers Tavern a permanent patio license.  
They have the space and they need it.

▪

**Luedke, Kris**

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**Subject:** FW: Email the City Manager's Department [#719]

**From:** City of Golden Valley

**Sent:** Tuesday, June 2, 2020 3:48 PM

**To:** Romano, Tomas

**Subject:** Email the City Manager's Department [#719]

**Name \***

Margaret Peck

**Email \***

**Comments \***

I am emailing to support Schuller's Restaurant request to obtain a permanent patio request. Thank you.

▪

**Luedke, Kris**

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**Subject:** FW: Email the City Manager's Department [#717]

**From:** City of Golden Valley

**Sent:** Tuesday, June 2, 2020 12:04 PM

**To:** Romano, Tomas

**Subject:** Email the City Manager's Department [#717]

**Name \***

Amy Lotsberg

**Email \***

**Comments \***

Please allow Schuler's to have a permanent patio!

Thank you!

▪

**Luedke, Kris**

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**Subject:** FW: Schullers patio

**From:** MIKE D DIETRICH

**Sent:** Tuesday, June 2, 2020 9:50 AM

**To:** Sanberg, Kimberly

**Subject:** Schullers patio

As a 30+ year resident of Golden Valley I believe it's about time to allow Schullers to compete with the rest of the restaurants in your city. They are the only one I know of that has not been allowed to have outdoor seating. They have just completed long overdue renovations inside and now they should be allowed to make a nice patio. Schullers is a locals bar and is frequented by many members of the GV city staff and surrounding businesses but we often hear people say they are leaving after finding out they can't sit outside on a nice afternoon or evening. Please approve this request.

Mike Dietrich  
8220 Golden Valley Road

Sent from Xfinity Connect Application

**Luedke, Kris**

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**Subject:** FW: Schuller's Outdoor Patio Request

**From:** Emily Johnson Piper

**Sent:** Tuesday, June 2, 2020 1:56 PM

**To:** Harris, Shep; Fonnest, Larry; Harris, Maurice; Rosenquist, Gillian; Sanberg, Kimberly

**Subject:** Schuller's Outdoor Patio Request

Dear Mayor Harris and Councilmembers,

We write to you today in support of Schuller's request for a patio, which our understanding is scheduled to come before the City Council for approval this evening. As Golden Valley residents for the last 13 years, we see and experience daily many of the things that make our community great- including our city's family owned businesses. Over the years, we have been not only patrons of Schullers, but have borne witness to the community stewardship the owners and employees have provided for the benefit of many in our city.

It is true that COVID-19 has ravaged our hospitality industry, owners and employees, and has required restaurant owners to take extraordinary steps to safely partially re-open in the short term. It is also true that many businesses, including restaurants, are experiencing permanent changes to their models of service going forward and are making capital investments at a time of great difficulty to ensure they can continue to operate during and post-pandemic. It is the government's responsibility, particularly in this difficult time, to support their efforts to adapt and maintain viability, now and into the future.

Ultimately, we know we are not alone in hoping to see a more walkable community- where we have more family-owned businesses like Schullers to patronize and receive community benefit from. A step the City Council can take to make that happen tonight is to do what it can to preserve and support the good businesses we already have, in this case by allowing them to serve people in new ways going forward. We strongly support Schuller's application to allow permanent outdoor seating, can't wait to sit there, and hope you will as well.

Thank you,  
Jeff and Emily Piper

**Luedke, Kris**

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**Subject:** FW: Petition for Patio Golden Valley Citizen

**From:** Stephanie Evans

**Sent:** Tuesday, June 2, 2020 1:21 PM

**To:** Rosenquist, Gillian; Sanberg, Kimberly; Larry Fonnest; Harris, Maurice; Harris, Shep

**Subject:** Petition for Patio Golden Valley Citizen

Dear Mayor Harris and City Council Members,

My name is Stevi Evans, and I love Golden Valley. I grew up in Golden Valley, I am now raising my four children in Golden Valley, and I work in Golden Valley. We love being by the city and having options to walk/bike to eat and socialize. We bike to D'amicos regularly in the summer to have an option of outdoor seating in Golden Valley, and you can find us at the outdoor patio of the 316 and New Bohemia. Yet, one of our favorite family owned and long standing restaurants is Schullers. We strongly support Schullers' petition to get a patio. People, more than ever, are looking for places to be able to gather and support local businesses. I have biked past Schullers countless times on summer evenings wishing I could grab a bite on a patio there. We have so few months to be outside and enjoy the beauty of Golden Valley. More and more people buying homes, especially in Golden Valley, want family owned businesses they can walk/bike to and support. Plus, community is built through being able to socialize together. I'm hard pressed to think of a patio restaurant that didn't help a community!

Schullers is family owned and in it for the long haul; they are a family of dedication and support to the local communities they serve.

Please consider allowing a permanent patio, as I am speaking from a demographic of Golden Valley citizens than often do not take time to voice their opinions on, which I will begin to do so more frequently, in hopes to help our city improve and continue to be the amazing place it is.

Thanks for consideration,

Stevi Evans and family  
Citizens of Golden Valley

**Luedke, Kris**

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**Subject:** FW: Schullers Tavern

**From:** Kayla Wiebe

**Sent:** Tuesday, June 2, 2020 12:11:34 PM

**To:** Fonnest, Larry; Harris, Maurice; Rosenquist, Gillian; Sanberg, Kimberly

**Subject:** Schullers Tavern

Dear City Council,

I hope this email finds you well. I am writing you in regards to your city council meeting addressing a permanent patio for Schullers Tavern.

Schullers is a safe resort for many community members. The Jacobs Family has created an establishments that both respects their employees and regulars, they are treated as family. Schullers is a staple in the city to many people, including myself. The Country Club members come over for food and off sale, even the local police enjoy lunch as the Schu. Essentially the 'Cheers' of Golden Valley.

In case you were not aware before COVID hit, Schullers was working hard and diligently to remodel the bathrooms and upgrade the space to be just as lovely as the people who come in. They have made improvements to the inside so why not do the same to the outside. After the hard year 2020 has been let's help make a positive difference to a LOCAL and FAMILY OWNED business. As a state we have all been hit hard enough, lets shed some light on the situation both literally and figuratively. Cheers to a fresh new patio!

Thank you for reading, Kayla Wiebe

**Luedke, Kris**

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**Subject:** FW: Schullers Tavern Patio Hearing

**From:** Mark Opdahl

**Sent:** Tuesday, June 2, 2020 11:45 AM

**To:** Sanberg, Kimberly; Rosenquist, Gillian; Harris, Maurice; Fonnest, Larry; Harris, Shep

**Subject:** Schullers Tavern Patio Hearing

To Whom Concerned,

My name is Mark Opdahl and although I am not a resident of Golden Valley, I am a neighbor over in Minnetonka. Being neighbors allows me quick accessibility to a bunch of great businesses in your community.

One of those places that I go out of my way to enjoy with friends is Schullers Tavern. It's not just for the wings that are some of the best in the state. The bumper pool table that we do use plenty of hours of the year. It's the character of a family owned neighborhood establishment. You can feel that as soon as you enter the front door. The staff is friendly, the place is clean, and you won't find a more respectable group of patrons.

Some may say that you should force them into a situation that would cause them to sell the business and let that area be developed. But why would you want to take away the charm that is the neighborhoods of Golden Valley? You have proprietors that have integrity and want to keep that charm. While constantly improving themselves to provide the best experience possible to the community, and its surrounding area. I could go to 100 different establishments a year but instead only go to a few and one of them is Schullers Tavern. So please grant them the license to have a permanent patio.

We need Family Owned Small Businesses!

Thank You

**Mark Opdahl**

**Luedke, Kris**

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**Subject:** FW: Permanent patio license for Schuller's Tavern

**From:** Hillary Ross

**Sent:** Tuesday, June 2, 2020 10:07 AM

**To:** Harris, Shep; Fonnest, Larry; Harris, Maurice; Rosenquist, Gillian; Sanberg, Kimberly

**Subject:** Permanent patio license for Schuller's Tavern

Hello members of the Golden Valley City Council,

**I ask that you would please grant Schuller's Tavern a permanent patio license during your vote tonight.**

Schuller's is one of my family's favorite places to dine out in Golden Valley because of its charm and its staff and patrons. It is a family-owned establishment and they **deserve to be supported and allowed to thrive.** The family that owns this business supports the city of Golden Valley and their children attend Good Shepherd School. I ask that the city support them as well. Having a permanent patio would greatly enhance their restaurant and business and **would be a boon for our Golden Valley as we essentially have no outdoor eating space at restaurants in our community.** Thank you for your time.

Respectfully,

Hillary Ross

**Luedke, Kris**

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**Subject:** FW: Schuller's Tavern - Patio License

**From:** Jonathan Nelson

**Sent:** Tuesday, June 2, 2020 11:15 AM

**To:** Harris, Shep; Fonnest, Larry; Harris, Maurice; Rosenquist, Gillian; Sanberg, Kimberly

**Subject:** Schuller's Tavern - Patio License

Hello,

I've been a Golden Valley resident since 2013 and have enjoyed being able to frequent Schuller's Tavern these last 7+ years. I would like to share my support in approving their request for a permanent patio license.

Thank you,

Jon Nelson

**Luedke, Kris**

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**Subject:** FW: Grant Schullers Tavern permanent patio

**From:** Joyce Zerka

**Sent:** Tuesday, June 2, 2020 2:30 PM

**To:** Sanberg, Kimberly

**Subject:** Grant Schullers Tavern permanent patio

Dear Ms. Sandberg,

As a resident of Golden Valley, I urge you to allow Schullers to have a permanent patio. It's a neighborhood institution and we don't have to see them suffer anymore, or worse shut down, if they can't get some business from their loyal patrons for the next 18-24 months (or more) due to COVID-19.

At the same time, we don't have many mom and pop dining options with a patio in GV. This would be a wonderful addition to the community!

Please work with them and say YES!

Thank you and see you at the city council meeting shortly on Zoom!

Respectfully,

Joyce Z.  
2440 Ensign Avenue N

**Luedke, Kris**

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**Subject:** FW: Support for Schullers patio

**From:** Ellie Radaj

**Sent:** Tuesday, June 2, 2020 3:17 PM

**To:** Sanberg, Kimberly

**Subject:** Support for Schullers patio

Schullers is a long-standing business in our community, and we must support our local businesses! Please grant them permission to build a patio so they can weather the messy storm that COVID has created for small businesses. I am a resident of the Hampshire Park neighborhood and love supporting our local businesses!

**Luedke, Kris**

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**Subject:** FW: Grant Schullers Tavern Permanent Patio

**From:** Nathalie Beaine

**Sent:** Tuesday, June 2, 2020 3:23 PM

**To:** Sanberg, Kimberly

**Subject:** Grant Schullers Tavern Permanent Patio

Dear Ms. Sandberg,

As a resident of Golden Valley, I urge you to allow Schullers to have a permanent patio. It's a neighborhood institution and we don't have to see them suffer anymore, or worse shut down, if they can't get some business from their loyal patrons for the next 18-24 months (or more) due to COVID-19.

At the same time, we don't have many mom and pop dining options with a patio in GV. This would be a wonderful addition to the community!

Please work with them and say YES!

Thank you and see you at the city council meeting shortly on Zoom!

Respectfully,

Nathalie Beaine

7019 Winsdale St. N

Golden Valley, MN 55427

**Luedke, Kris**

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**Subject:** FW: Schullers Tavern

**From:** Michelle L Shull

**Sent:** Tuesday, June 2, 2020 4:02 PM

**To:** Fonneest, Larry; Harris, Maurice; Rosenquist, Gillian; Sanberg, Kimberly

**Subject:** Schullers Tavern

Council Members,

I know that you will be discussing plans to add a permanent patio/outdoor seating area at Schullers Tavern.

I would like you consider the benefits that this patio could add to the Golden Valley community, as well as showing your support of a family owned business that has called Golden Valley their home for many years. Schullers has provided financial support to schools, fundraisers and sports teams over the years. The family that owns this business is generous, loyal and people we want to see succeed with their business in Golden Valley.

I can understand you may have concerns about space, zoning, etc., and maybe their outdoor seating plans don't comply with the current policies in place, but I would hope that you could all find a way to compromise and come up with a plan that can benefit all.

I know the family that owns Schullers.

I know they have had a difficult time with COVID-19 as many other businesses have. Please don't let this business be a part of Golden Valley's history, but rather a part of it's future.

You say you support small business in Golden Valley and I believe that is true. Please support this one.

Thank you for considering.

Michelle Shull  
2460 Kyle Ave, GV

**Luedke, Kris**

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**Subject:** FW: In support of Shullers Tavern patio

**From:** Greg Wanzek

**Sent:** Tuesday, June 2, 2020 2:03 PM

**To:** Harris, Shep; Fonnest, Larry; Harris, Maurice; Rosenquist, Gillian; Sanberg, Kimberly

**Subject:** In support of Shullers Tavern patio

Dear Mayor Harris and Golden Valley City Council,

We write to you today in support of Schullers Tavern's request for a patio, which our understanding is scheduled to come before the City Council for approval this evening. As Golden Valley residents for the last 20 years, we see and experience daily many of the things that make our community great, including our city's family-owned businesses. Over the years, we have been not only patrons of Schullers, but have borne witness to the community stewardship the owners and employees have provided for the benefit of many in our city. It is true that COVID-19 has ravaged our hospitality industry, owners and employees, and has required restaurant owners to take extraordinary steps to safely partially re-open in the short term. It is also true that many businesses, including restaurants, are experiencing permanent changes to their models of service going forward and are making capital investments at a time of great difficulty to ensure they can continue to operate during and post-pandemic. It is the government's responsibility, particularly in this difficult time, to support their efforts to adapt and maintain viability, now and into the future. Ultimately, we know we are not alone in hoping to see a more walkable community, where we have more family-owned businesses like Schullers to patronize and receive community benefit from. A step the City Council can take to make that happen tonight is to do what it can to preserve and support the good businesses we already have, in this case by allowing them to serve people in new ways going forward. We strongly support Schullers Tavern's application to allow permanent outdoor seating, can't wait to sit there, and hope you will as well.

Thank you,  
Greg and Tricia Wanzek

**Luedke, Kris**

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**Subject:** FW: Schuller's Tavern

**From:** Libby Fishbein

**Sent:** Tuesday, June 2, 2020 4:20 PM

**To:** Harris, Shep; Fonnest, Larry; Harris, Maurice; Rosenquist, Gillian; Sanberg, Kimberly

**Subject:** Schuller's Tavern

Dear City Council Members ~

I am writing today in support of Schuller's Tavern request for a permanent patio license. This local, family-owned business, has been hit hard by COVID-19 and approving their permit request will allow them the chance to fight through these hard economic times we are all facing. We need to support our local restaurateurs.

Best regards,

**LIBBY FISHBEIN**

ACCOUNT EXECUTIVE



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**Luedke, Kris**

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**Subject:** FW: Schullers

**From:** Julie Christianson

**Sent:** Tuesday, June 2, 2020 5:03 PM

**To:** Sanberg, Kimberly

**Subject:** Schullers

Hi Kimberly,

As a Golden Valley resident, I am asking you to approve Schuller's Tavern for a permanent patio license to serve. The Jacob family does a lot for our community. We would like their business to remain successful in Golden Valley! Thank you!

Julie Christianson, MSW, LICSW

**Luedke, Kris**

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**Subject:** FW: Schuller's Outdoor Patio Support

**From:** Sheena Oswald

**Sent:** Tuesday, June 2, 2020 5:48 PM

**To:** Harris, Shep; Fonnest, Larry; Rosenquist, Gillian; Sanberg, Kimberly; Harris, Maurice

**Subject:** Schuller's Outdoor Patio Support

I am writing to you to voice my support for Schullers request for a permanent patio license.

Schuller's has been part of the community for a long, long time and I believe it's time to allow them to open a permanent patio. Mark and Paul have just completed long overdue renovations inside and now should be allowed to make a nice patio. They are outstanding business owners for Golden Valley and it would be a shame to lose them and Schullers due to not being able to compete with surrounding restaurants. Schullers is a locals bar, it's Golden Valley's "Cheers"! It is sad to see that during the summer their daytime business slow due to folks wanting to enjoy the outdoors while they can here Minnesota. Please allow the legacy of Schullers live on and continue to grow and serve the Golden Valley residents and surrounding communities.

Thank you in advance for your consideration of this request.

Sheena Oswald

**3. Informal Public Hearing – General Land Use Plan Map Amendment –  
7345 Country Club Drive – CPAM-51**

Applicant: City of Golden Valley

Address: 7345 Country Club Drive (Schuller's)

Purpose: To change the designation on the General Land Use Plan Map from  
Low Density Residential to Commercial-Retail

Grimes stated that this is a General Land Use Plan Map Amendment brought forth by the City Council. He explained that the City is the applicant and only the City Council can amend it since it is the City's plan. He stated that at the June 12, 2012 Council/Manager meeting Schuller's Restaurant asked the City Council to consider changing the General Land Use Plan Map designation from Low Density Residential to Commercial-Retail in order to allow them to construct an outdoor patio. Grimes explained that staff and the City Attorney believe that the addition of a patio would be considered an expansion of an existing non-conforming use which is not allowed per City Code. He stated that he researched the history of this property in order to try to figure out how long this property has been designated Low Density Residential. The first Comprehensive Plan (1959) had the property designated Low Density Residential and it has been zoned Single Family Residential since at least the early 1970s. He added that there are a number of steps involved before expanding the restaurant would even be possible. The General Land Use Plan Map would have to be amended, the property would then have to be rezoned, a Conditional Use Permit to allow for a restaurant would have to be obtained and variances would be required because the building is non-conforming with setback requirements.

Waldhauser asked about uses that would be allowed if the property were rezoned. Grimes stated that one of the concerns he has is regarding the uses that would be allowed if the property were zoned Commercial. He said offices, retail uses, restaurants, auto-related uses with a Conditional Use Permit and anything else allowed in the Commercial zoning district would be allowed at this property if it were rezoned. He added that the building could also be torn down and a different one built. He explained that another concern is the impact of the land use changes on the residential and institutional properties adjacent to the property. Staff believes the General Land Use Plan Map should not be changed.

Waldhauser asked if Schuller's would be allowed to reconfigure the building. Grimes said they are allowed to maintain, repair and replace the existing building, but they cannot expand it.

Schmidgall referred to the potential new Light Commercial zoning district and asked what types of uses would be allowed if the property was rezoned Light Commercial. Grimes stated that many of the same uses as the Commercial zoning district, with the exception of auto-related uses, could potentially be allowed in the Light Commercial zoning district.

Schmidgall asked if there is any other way a patio could be added to this property. Grimes reiterated that as long as the patio is going to be used by their customers it would be considered an expansion and in order to expand, the property would need to be rezoned.

Segelbaum asked if the General Land Use Plan Map and Zoning re-designations could go through the amendment process simultaneously since the two plans ultimately have to match. Grimes stated that there is a period of time allowed after the General Land Use Plan Map is amended to change the Zoning designation.

Kluchka referred to the General Land Use Plan Map and asked what the "semi-public facilities" category means. Grimes stated that is the designation for nursing homes, hospitals, etc.

Kisch questioned if Schuller's would need a Conditional Use Permit if the Zoning of the property were to change. Grimes said yes and explained that if the property were to be rezoned it opens all sorts of issues with the Building Code, Zoning Code and other requirements.

Kluchka asked how the building got built in the first place. Grimes explained that it was built in 1929 before the City had a Zoning Code. He added that at that time Country Club Drive was more of a crossroad than it is currently.

Segelbaum asked if the request gets to the Conditional Use Permit phase if conditions could be placed on it regarding noise, hours, etc. Grimes said yes and stated that because this property is in a unique area, next to residential properties, there may be more conditions than usual such as sound mitigation, screening, and lighting. Segelbaum stated that the opportunity to address some of the concerns could arise during the potential Conditional Use Permit process.

Schmidgall said he would enjoy Schuller's having a patio but he is nervous to think about what else could potentially be located at this property if it were to be rezoned. He asked if the City could pass an ordinance to allow the patio addition. Grimes said no, the City could not pass an ordinance approving a patio. Schmidgall asked if covenants could be put in place or if a Conditional Use Permit or Rezoning could be revoked if Schuller's ever left this location. Grimes said he thinks there would be property rights issues involved with that kind of action. He reiterated that if the City wants to allow Schuller's to expand than the process that has been discussed is the way it has to be done.

Segelbaum asked if the Single Family Residential zoning district could be amended to add a bar use. McCarty asked if the occupancy could be limited. Grimes stated that Schuller's adding more seats to their restaurant equals an expansion which means the General Land Use Plan Map and Zoning for the property would need to change.

Kluchka asked Grimes to summarize the recommendation in the staff report. Grimes stated that staff is recommending denial of the amendment to the General Land Use Plan Map finding that the property has been guided Low Density Residential since 1959 implying to the surrounding homeowners that the property cannot be expanded as a

commercial venue, there have been significant concerns from the neighborhood regarding the negative impacts this could have and establishing the property as Commercial-Retail would allow other commercial uses on this property.

Waldhauser stated that most of the commercial uses that could potentially operate at this property would be similar in use to the current use such as a small restaurant or small office building. She added that the only objectionable use would be the auto related uses.

Kluchka asked about the City Council's discussion of this proposal. Grimes stated that Schuller's brought their idea of constructing a patio to the City Council and that the majority of the Council thought this proposal was something they would like to consider so the direction by the Council was to start the process by having the Planning Commission consider amending the General Land Use Map designation. He added that on the surface this proposal doesn't seem to be a big deal, but there are some legitimate concerns by the neighbors regarding noise, etc. and the City has to be realistic about being able to enforce any conditions that could be placed on the property.

Steve Sands, 1400 Sumter Avenue North, representing Schuller's, gave the Planning Commissioner's a drawing of the proposed patio and landscape design. He also submitted a petition from bar patrons who support the proposed patio addition. He stated that Schuller's has had offers from people to purchase the property, but they have turned them down. He referred to a rumor circulating that Schuller's paid people for their signatures on the petition he submitted and explained that signatures were not bought, but Schuller's did give some gift cards to people as a way of saying thank you.

Ray Jacob, Schuller's owner, stated that he has been in the restaurant business since 1961. He said he owns three restaurants and two of them have patios under construction. He reiterated that he has had many offers to sell Schuller's but he is not interested in selling because his plan is to pass the restaurant on to his children. He said his business is down and they've had to reduce staff. As a result he is trying to improve business by adding a patio. He stated that Schuller's supports many activities, groups and events in Golden Valley such as softball, volleyball, tennis, church events and school events. He added that he has had some of his employees since 1968 and that he is good to his employees and his customers.

Mark Jacob, representing Schuller's said the restaurant has always been a place that is close to his heart and he could never sell it, they just want to update it.

Waldhauser asked Ray Jacob when he purchased the property. Jacob said he bought the property in 1989.

McCarty asked when they started reducing staff. Mark Jacob said they started reducing staff approximately two years ago.

Segelbaum asked Ray and Mark Jacob if they could address the concerns they've heard from the neighbors.

Mark Jacob showed the illustration of the patio design and explained that there will be trees added as a buffer and screening. Waldhauser asked if they are planning any other modifications to the building. Ray Jacob said he would like to install more windows on the west to better view and monitor the proposed patio. Mark Jacob added he is also concerned that he cannot re-build the structure if it were to burn down. Grimes clarified that legally non-conforming uses may be continued, including repair, replacement, restoration, maintenance or improvement, but not including expansion.

Cera asked the Jacobs if they've had a neighborhood meeting. Ray Jacob said they have not. Kisch reminded the Commission that this item was brought forward by the City and that Schuller's is not the applicant at this point in the proposal.

Waldhauser opened the public hearing.

Peter Pluwak, 510 Kelly Drive, said knows the owners say that Schuller's is a family restaurant but he has seen cars leave Schuller's parking lot and hit mailboxes. He said there are two group homes on Kelly Drive and a nursing home on Glenwood and that wheelchair-bound people go up and down Kelly Drive where there are no sidewalks so he concerned about more traffic in the area and accidents happening.

Cate Zottola, 7421 Glenwood Avenue, said she purchased her property in a residential neighborhood not a commercial area. She said that property values in her neighborhood have gone down and any change to the zoning of the Schuller's property will have unintended consequences. She said she talked to the City when she purchased her home and was assured that the Schuller's property was zoned residential and that it had been for many, many years and she purchased her home knowing that it would be a challenge to change the zoning on the Schuller's property. She said she understands Schuller's desire to expand however she believes that would come at a high price especially if the use were to change to an undesirable business. She said Schuller's is requesting this because they feel they are not competitive without an outdoor patio space but they knew their limitations when they purchased the property. She referred to the City's variance regulations and stated that economic considerations alone shall not constitute a hardship. She stated that an expansion of Schuller's would bring incremental noise, outdoor alcohol consumption, traffic and disruption into this generally quiet part of the City. She said the bar patrons can come and go, but this is her neighborhood and she can't go anywhere else and is stuck listening to the noise. She encouraged the Planning Commission to deny this request.

John Hiebert, 7421 Glenwood Avenue, said the Mayor referred to Schuller's as an icon and he cannot find anywhere in the City Code where it lists Schuller's as an icon. He said Schuller's knew when they bought this property that they couldn't expand. He said he's taken a lot of time trying to educate himself on how this process works. He stated that the Schuller's property has been designated Low Density Residential on the General Land Use Plan map since 1959 and there is a reason why it's been that way. This property has been zoned Single Family Residential since the 1970s, therefore it is a non-conforming land use that is allowed to remain in its current location, but it is not allowed to expand.

He said the zoning is the way it is in order to protect the residential neighborhood and he respectfully suggests that the proposal be denied.

Ed Vizard, 7101 Glenwood Avenue, said he would like to see the patio constructed because it would be a good thing for the business and it should not be a big deal to put in a patio. However, changing the zoning to Commercial is a big deal. He said the concern is what will happen if Schuller's is no longer there. He said the City is dealing with a business that has been at this location for 80 years so he doesn't understand why the City can't find a way to allow a patio. He said it sounds to him like the Council is trying to open a "commercial wedge" in what is a neighborhood enclave. That is what should be considered, not the merits of a patio, but what the rezoning will do the neighborhood.

Karen Reeves, 605 Pennsylvania Avenue, said she has to shut her windows and can't hear her TV because of the noise from Schuller's. She has heard people at 2 am when they get in their cars and go home. She can't leave; she has to live here with the noise. She said she respects the local business and Schuller's does a good business as is. She said the property will be worth a lot more if it is rezoned to Commercial and she is concerned about what other type of use could go in if it were rezoned. She asked that the City not allow the patio.

John Gentrup, 7101 Glenwood Avenue, said he thinks the patio will go a long way in beautifying the peninsula and he thinks a patio would be a good idea. He said he thinks businesses in general face a lot of onerous difficulties when they try to make changes so he would be in favor of this proposal.

Steve Sands, 1400 Sumter Avenue North, noted that some of the residents have said that Ray Jacob knew the property was zoned residential when he bought it, which is true, but the residents also knew that Schuller's was there when they bought their properties. He said he is not convinced that staff's and the City Attorney's opinion regarding the process to allow a patio is correct. He said there are a lot of bars in Northeast Minneapolis that have been around since the 1930s, they have patios and are within 20 feet of a residential property so they seem to have a way to deal with this type of situation in Minneapolis and they he can't figure it out in Golden Valley. He stated that Mr. Jacob is not asking for the world with this request. He said they would stop serving by 8 pm and have people off the patio by 9 pm and noted that the noise ordinance regulations don't apply until 10 pm. He said he understands the neighbor's concerns about a different use in the future however the property really has no commercial value because it is not visible from any major road and any future uses would have to be approved by the City. He said there has been some talk about installing the patio on the north side of the property but that would also require variances. Also, a patio on the north side would be a liability because of golf balls from the country club and the servers would have to go up and down steps on that side of the building. He reiterated that Schuller's is a community gathering place and has been an asset to the community.

Waldhauser stated the she understands the difficult position Schuller's is in but the Planning Commission can't change the laws, or the process.

Cate Zottola, 7421 Glenwood Avenue, stated that as a resident who lives across the street, she has observed things that Schuller's isn't policing now including people smoking and parking where they are not allowed. She said that an expansion to Schuller's would make her quality of life suffer.

Kluchka asked Zottola about the traffic on Kelly Drive. Zottola said Kelly Drive has fairly heavy traffic that increases at happy hour and with motorcycles on Saturdays.

Ray Jacob, stated that he has told people not to park where they are not supposed to and the only other people that park there are the police who come at lunchtime. He said he does the best he can to monitor his customers.

Seeing and hearing no one else wishing to speak. Waldhauser closed the public hearing.

McCarty said this is a difficult proposal because while it is nice to be able to sit outside, he has a hard time considering rezoning this property because of what it could become in the future. He added that if there was another way to consider allowing a patio he would.

Kisch said he is also concerned about rezoning the property. However, due to the site configuration it probably couldn't handle a significantly different use. He agreed that it would be nice to allow people to sit outside and that there are ways to mitigate noise and other issues, he just doesn't feel there is a current zoning district that he would be comfortable recommending at this point, but he feels this opens up the discussion to explore a new or different zoning district.

Grimes suggested that if the City Council considers different zoning language they should do so before they amend the General Land Use Plan Map.

Kluchka asked if there has been a demand or queries from other developers for this type of neighborhood bar concept. Grimes said no. He noted that the Applebee's restaurant didn't make it and that there are other locations in the City where a bar with a patio would be allowed. The Schuller's property is just very unique.

Segelbaum said it seems like Schuller's has made some effort to talk to the neighbors. He said he thinks re-designating the land use and rezoning the property opens it up to for too many other possible uses so it doesn't make sense to him to amend the General Land Use Plan Map.

Cera stated that Golden Valley is not Minneapolis the two cities developed and grew completely differently. He said he doesn't feel any commercial use would work at this property because of the distance to residential property. He said there are reasons the Zoning Map and the General Land Use Plan Map are the way they are.

Waldhauser said she thinks it would be good for Schuller's to invest in their property and that a patio would be an amenity to the neighborhood as long as the noise issues are resolved, but there isn't any way to construct the patio without rezoning which opens up a Pandora's Box of other issues. She agreed that this is a unique property but it would be

stretching the purpose of the General Land Use Plan and the zoning designation to allow this, so she would not be in favor of recommending approval at this point.

Schmidgall noted that the City will be considering a new Light Commercial zoning district and that this might be an appropriate location to consider that new zoning district. He said he would like to move this discussion forward by recommending approval of this proposed land use amendment. Grimes explained that the Light Commercial zoning district is being considered for the Douglas Drive/Highway 55 area and he isn't sure that the uses being proposed for the Light Commercial zoning district would satisfy the neighbor's concerns. He stated that the Planning Commission could tell the Council that the only way the Commission is comfortable moving forward with this request is if any proposed new zoning language would be acceptable. He added that the City Council will be reviewing the proposed new Light Commercial zoning district language again before it comes back to the Planning Commission for review.

McCarty said he doesn't feel that this one property is enough to justify months of discussion of a new type of zoning district that could be still be different from what is considered in other areas as well. Kluchka said he would like to better understand the implications of a new zoning district. Segelbaum said he would like to see the Planning Commission recommendation include that there be a different type of zoning option available.

**MOVED** by Kisch, seconded by Schmidgall to recommend approval of changing the designation on the General Land Use Plan Map from Low Density Residential to Commercial-Retail for the property located at 7345 Country Club Drive (Schuller's) with the caveat that as it moves forward the Planning Commission would like to further explore additional zoning opportunities.

Grimes said it seems like there is a real concern about the property being zoned Commercial as per the City Code today. So perhaps the message to the City Council is that under the status quo the Planning Commission doesn't want to see the General Land Use Plan Map changed but if the Council gives direction to study the zoning maybe the Commission could come up with different zoning language. He added that he doesn't know if recommending approval of the General Land Use Plan Map is sending the right message.

McCarty added that he thinks the Planning Commission can still have a conversation regarding new zoning language at the direction of the City Council without approving this proposed amendment. He said approving this proposal is not to generate a discussion of different zoning districts it is to generate the possibility of a patio for Schuller's and a rezoning of the property.

Kisch withdrew his motion, Schmidgall withdrew his second of the motion.

**MOVED** by Segelbaum, seconded by Schmidgall and motion carried 5 to 2 to recommend denial of changing the designation on the General Land Use Plan Map from Low Density Residential to Commercial-Retail for the property located at 7345 Country Club Drive

(Schuller's) with the strong recommendation that the City Council directs the Planning Commission to further explore the creation of different types of zoning categories that might permit this type of request. Commissioners Cera and McCarty voted no.

Cera explained that he is in favor of recommending denial of this request, but he voted against it because he is against the Planning Commission looking for ways to solve Schuller's attempt at getting an outdoor patio. McCarty said he agrees with Cera and thought the minutes will reflect the Planning Commissions thoughts of the issue without having to ask the Council for direction on exploring new zoning categories. Schmidgall said he doesn't want the property to be rezoned, but he feels Segelbaum's motion is key to driving further discussion. Waldhauser said she is not optimistic that any new zoning category that will solve this property's problems.

**--Short Recess--**

**5. Reports on Meetings of the Housing and Redevelopment Authority, City Council, Board of Zoning Appeals and other Meetings**

No reports were given.

**6. Other Business**

Planning Commission Bylaws Amendment

**MOVED** by Cera, seconded by Kisch and motion carried unanimously to amend the Planning Commission Bylaws to make them consistent with the existing City Code.

**7. Adjournment**

The meeting was adjourned at 9:11 pm.

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David A. Cera, Secretary



# EXECUTIVE SUMMARY

## Physical Development

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

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### Golden Valley City Council Meeting

June 2, 2020

#### Agenda Item

4. A. 2. Public Hearing – Amendment to the Zoning Map – 7345 Country Club Drive

#### Prepared By

Jason Zimmerman, Planning Manager

#### Summary

Paul Jacob is proposing to amend the Zoning Map to rezone the property at 7345 Country Club Drive as Commercial instead of the current zoning as Single-Family Residential. This request complements a proposed change to the Future Land Use Map to guide the property for Retail/Service use instead of Low Density Residential use (see accompanying memo). These changes are necessary in order to eventually construct an outdoor patio on the property, providing a new amenity that the applicant hopes will enhance the experience for current patrons and attract new customers.

The Planning Commission recommended denial of the amendment (7-0) at its meeting on May 11.

The 60 day deadline for action on this item was April 27. A 60 day extension was granted through June 26.

#### Evaluation of Request

The City Code does not set forth specific standards for changing a zoning designation, and the City Council – with the input of the Planning Commission – has a great deal of latitude in deciding if the request can be considered to be consistent with the broader zoning map for the City. In making a determination, the City should take into account the purpose of zoning as outlined in the City Code, which is “to regulate land use within the City, including the location, size, use, and height of buildings, the arrangement of buildings on lots, and the density of population within the City for the purpose of promoting the health, safety, order, convenience, and general welfare of all citizens of the City.” (Sec. 113-2)

The Zoning Chapter includes the following purpose statement for the Commercial Zoning District:

The purpose of the Commercial Zoning District is to provide for the establishment of commercial and service activities which draw from and serve customers in the community and are located in areas which are well served by collector and arterial streets.

The Single-Family Residential Zoning District has the following:

The purpose of the Single-Family Residential Zoning District is to provide for detached single-family dwelling units at a low density along with directly related and complementary uses.

The City may choose to grant the Schuller's rezoning request, provided there are adequate factual findings in the record to support the decision. Some examples of factual findings that would support a decision to rezone include:

- Findings linking the rezoning to beneficial changes to the social or economic fabric of the area.
- Findings that rezoning the property would create an appropriate transitional area between the City's downtown area to the west, which contains properties zoned Institutional, Office, and High Density Residential, and the single-family homes to the east and south.
- Findings that the rezoning is unlikely to significantly impact the value of the abutting properties.

However, just because there are potential findings to support a rezoning that does not mean the rezoning must or should be approved. To the contrary, after weighing the facts presented so far, the Planning Commission indicated the proposed zoning change would not be in the best interest of the City. Findings to support that conclusion are provided in the recommendation.

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

None

#### **Recommended Action**

Based on the findings below, motion to deny the requested amendment to the Zoning Map, rezoning the property at 7345 Country Club Drive from Single-Family Residential to Commercial.

Findings for denial:

1. The change in zoning, from Single-Family Residential to Commercial, would likely negatively impact the residents who live in the surrounding homes as it would allow the applicant to introduce a new activity that has the potential to increase noise, light, and other activity on the site and on adjacent streets.
2. An outdoor patio is, by definition, more likely to cause disruptions due to its immediate proximity to surrounding properties and the lack of walls or other screening mechanisms which could muffle the sound of conversation by patrons.
3. The applicant has indicated a reason for installing the outdoor patio is to attract new customers. Additional cars parked on the streets near Schuller's have the potential to create further disruptions as patrons leave the premises at night, exacerbating a situation that already generates concerns from homeowners.
4. A change in zoning would open the door to other Commercial businesses should Schuller's close, either by-right or through a Conditional Use Permit. Some of these uses could be even more impactful than the current bar/restaurant use. Given the current economic environment resulting from COVID-19, the chances of this happening might be greater now or in the immediate future than in recent years.
5. Given these concerns, a rezoning would not promote the health, safety, order, convenience, and general welfare of all citizens of the City.

Approval of the requested amendment would require four votes from the City Council (a two-thirds majority). Should the Council be inclined to support a rezoning after approving a change in the guided land use, a vote should be tabled until the Metropolitan Council has approved the amendment to the Future Land Use Map.

**Supporting Documents**

- Memo to the Planning Commission dated May 11, 2020 (5 pages)
- Memo from the City Attorney dated May 8, 2020 (2 pages)
- Zoning Map dated May 6, 2020 (1 page)



# MEMORANDUM

Planning Department

763-593-8095 / 763-593-8109 (fax)

**Date:** May 11, 2020  
**To:** Golden Valley Planning Commission  
**From:** Jason Zimmerman, Planning Manager  
**Subject:** Informal Public Hearing – Zoning Map Amendment for 7345 Country Club Drive

**Property address:** 7345 Country Club Drive

**Applicant:** Paul Jacob

**Property owner:** Ramez Jacob

**Zoning District:** Single-Family (R-1) Residential

**Lot size:** 21,402 sq. ft. (0.49 acres)

**Current use:** Bar/Restaurant (Schuller's Tavern)

**Future land use:** Low Density Residential

**Adjacent uses:** Single-family homes, Golden Valley Country Club, Meadow Ridge Senior Living



2018 aerial photo (Hennepin County)

### **Summary of Request**

Paul Jacob is proposing to amend the Zoning Map to rezone the property at 7345 Country Club Drive as Commercial instead of the current zoning as Single-Family Residential (R-1). This request complements a proposed change to the Future Land Use Map to guide the property for Retail/Service use instead of Low Density Residential use (see accompanying memo). These changes are necessary in order to eventually construct an outdoor patio on the property, providing a new amenity that the applicant hopes will enhance the experience for current patrons and attract new customers.

### **Staff Review**

The City Code does not set forth specific standards for changing a zoning designation, and the City Council – with the input of the Planning Commission – has a great deal of latitude in deciding if the request can be considered to be consistent with the broader zoning map for the City. In making a determination, the City should take into account the purpose of zoning as outlined in the City Code, which is “to regulate land use within the City, including the location, size, use, and height of buildings, the arrangement of buildings on lots, and the density of population within the City for the purpose of promoting the health, safety, order, convenience, and general welfare of all citizens of the City.” (Sec. 113-2)

The Zoning Chapter includes the following purpose statement for the Commercial Zoning District:

The purpose of the Commercial Zoning District is to provide for the establishment of commercial and service activities which draw from and serve customers in the community and are located in areas which are well served by collector and arterial streets.

The Single-Family Residential (R-1) Zoning District has the following purpose:

The purpose of the Single-Family Residential (R-1) Zoning District is to provide for detached single-family dwelling units at a low density along with directly related and complementary uses.

The following principal uses are listed as being permitted by-right in the Commercial Zoning District:

1. Bakeries
2. Barbershops and/or beauty parlors
3. Catering establishments
4. Comfort stations
5. Delicatessens
6. Dressmaking and tailoring establishments, including retail sales of clothing
7. Clothing, shoes and/or accessories sales (retail)
8. Electric repair shops
9. Electronic equipment sales
10. Financial institutions

11. Floral shops (not to include nurseries)
12. Furniture sales and repair
13. Hardware, paint, and decorating stores
14. Hotels/motels
15. Lodge halls
16. Messenger and telegraph services
17. Offices, including medical and dental
18. Pharmacies
19. Photograph supplies and/or galleries
20. Plumbing shops
21. Post offices
22. Printing shops
23. Public garages
24. Recreation buildings and structures (public and private), including gymnasium, racquetball, etc.
25. Class I restaurants
26. Seasonal farm produce sales
27. Shoe repair shops
28. Skating rinks (ice or roller) privately owned and operated for profit
29. Shopping centers (general retail - convenience shopping)
30. Tanning parlors
31. Theaters
32. Trade school or training centers, both public and private
33. General retail services and/or sales that are consistent with the purpose of the Commercial Zoning District and not otherwise listed as a conditional use in Subsection (e) of this section
34. Adult-oriented services that require City licensing pursuant to other provisions of the City Code; and
35. Essential services, Class I.

The following uses are listed as conditional uses in the Commercial Zoning District and may be allowed after review by the Planning Commission and approval by the City Council:

1. Animal hospitals, veterinary clinics, and/or pet grooming facilities
2. Auto repair shops, including tire and auto accessory repair and installation
3. Car washes
4. Convenience food stores
5. Drive-through retail establishments, such as banks, cleaners, Class II restaurants, and similar uses
6. Mortuaries

7. Off-street parking for adjacent commercial or industrial uses
8. Outdoor sales, including car lots, auto, and equipment rentals
9. Outdoor storage and/or sales of horticultural nursery sites, temporary farmers market, and itinerant sales
10. Pool halls
11. Class III restaurants, bars, night clubs, etc.
12. Sales or show rooms (auto, machinery, boats, etc.)
13. Service stations
14. Unattended business operations, such as vending machines, coin- or token-operated machines and equipment, and similar uses
15. Heliports
16. Child care centers
17. Marine engine repair
18. Adult day care center
19. Essential services, Class III, except for peaking stations and substations
20. Brewpubs; and
21. Principal or conditional uses in buildings greater than three stories in height.

The issue of spot zoning was raised during the 2012 Planning Commission deliberations and in one of the letters submitted by the public. The attached memorandum from the City Attorney discusses the concept of spot zoning and concludes that the City may choose to rezone the property in a manner that does not conform to the Comprehensive Plan, even when the rezoning is inconsistent with some of the surrounding uses, provided the decision is supported with a factual record that shows the decision was not arbitrary and capricious and was reasonably related to the promotion of public health, safety, morals, and general welfare.

The City may choose to grant the Schuller's rezoning request, provided there are adequate factual findings in the record to support the decision. Some examples of factual findings that would support a decision to rezone include:

- Findings linking the rezoning to beneficial changes to the social or economic fabric of the area.
- Findings that rezoning the property would create an appropriate transitional area between the City's downtown area to the west, which contains properties zoned Institutional, Office, and High Density Residential (R-4), and the single-family homes to the east and south.
- Findings that the rezoning is unlikely to significantly impact the value of the abutting properties.

However, just because there are potential findings to support a rezoning that does not mean the rezoning must or should be approved. To the contrary, after weighing the facts presented so far, staff believes the proposed zoning change would not be in the best interest of the City and offers the following findings in support of that conclusion:

1. The change in zoning, from Single-Family Residential (R-1) to Commercial, would likely negatively impact the residents who live in the surrounding homes as it would allow the applicant to introduce a new activity that has the potential to increase noise, light, and other activity on the site and on adjacent streets.
2. An outdoor patio is, by definition, more likely to cause disruptions due to its immediate proximity to surrounding properties and the lack of walls or other screening mechanisms which could muffle the sound of conversation by patrons.
3. The applicant has indicated a reason for installing the outdoor patio is to attract new customers. Additional cars parked on the streets near Schuller's have the potential to create further disruptions as patrons leave the premises at night, exacerbating a situation that already generates concerns from homeowners.
4. A change in zoning would open the door to other Commercial businesses should Schuller's close, either by-right or through a Conditional Use Permit. Some of these uses could be even more impactful than the current bar/restaurant use. Given the current economic environment resulting from COVID-19, the chances of this happening might be greater now or in the immediate future than in recent years.

Given these concerns, it is staff's opinion that rezoning the subject property to Commercial would not promote the health, safety, order, convenience, and general welfare of all citizens of the City.

**Recommended Action**

Based on the findings above, staff recommends denial of the requested amendment to the Zoning Map, changing the zoning designation for 7345 Country Club Drive from Single-Family Residential (R-1) to Commercial.

**Attachments:**

Memo from the City Attorney dated May 8, 2020 (2 pages)

Zoning Map dated May 6, 2020 (1 page)



# MEMORANDUM

City Attorney

763-593-8096

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**Date:** May 8, 2020  
**To:** Jason Zimmerman, Planning Manager  
**From:** Maria Cisneros, City Attorney  
**Subject:** Spot Zoning

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## Issue

What is spot zoning and does it preclude the City from rezoning a property in a way that is not consistent with the City's comprehensive plan or the zoning of surrounding properties?

## Short Answer

Spot zoning refers to impermissible zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with surrounding uses and create an island of nonconforming use within a larger zoned district.

A City may choose to rezone a property in a manner that does not conform to the comprehensive plan, even when the rezoning is inconsistent with some of the surrounding uses, provided the decision is supported with a factual record that shows the decision was not arbitrary and capricious and was reasonably related to the promotion of public health, safety, morals and general welfare. Decisions supported in this way are not considered spot zoning.

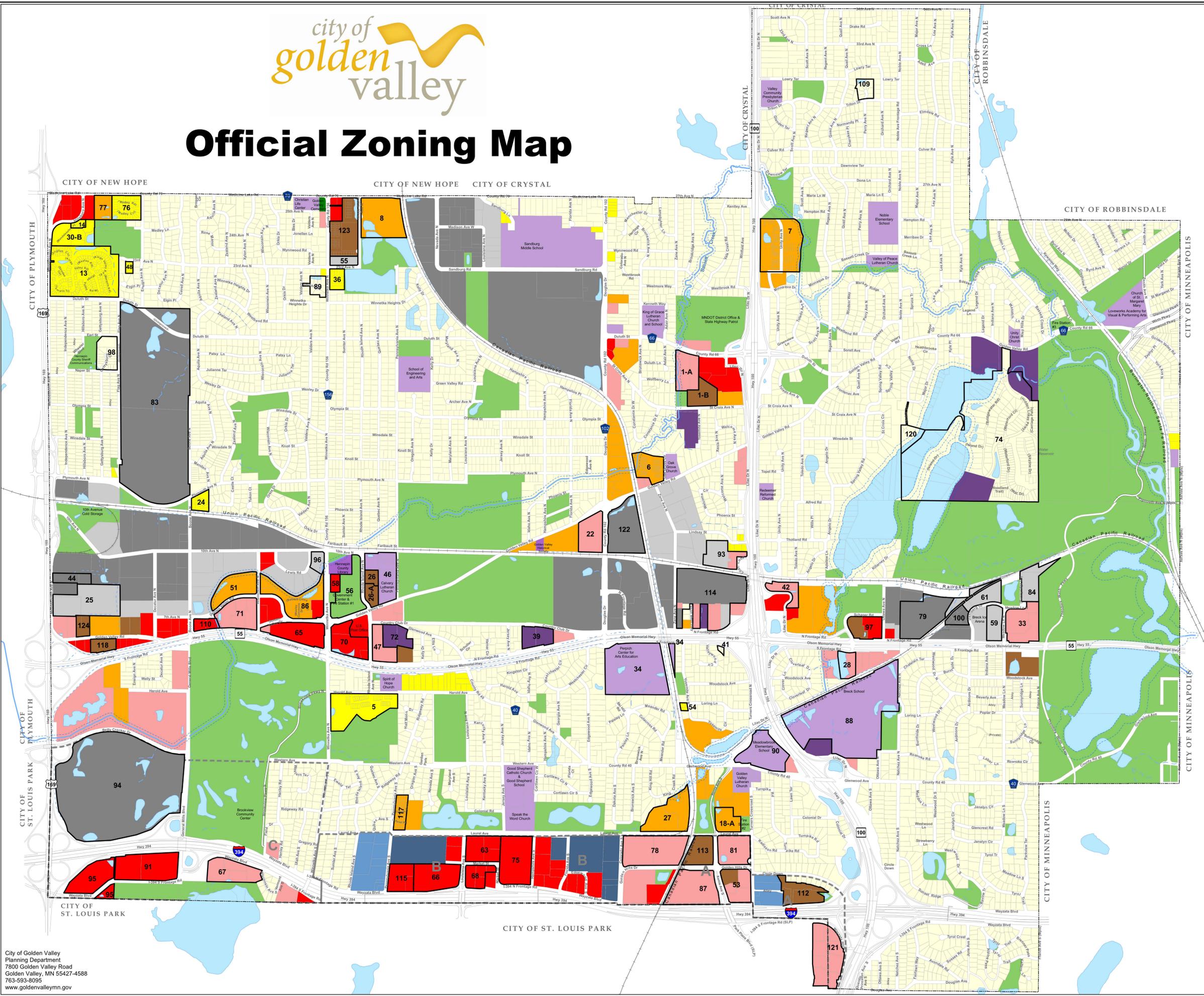
## Analysis

The term spot zoning applies to impermissible "zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with surrounding uses and create an island of nonconforming use within a larger zoned district." *State by Rochester Ass'n of Neighborhoods v. City of Rochester*, 268 N.W.2d 885, 891 (Minn.1978). In some cases, courts have found that a zoning change constitutes spot zoning when the change fails to conform to an existing comprehensive plan. While spot zoning is not allowed, it is clear that cities may make zoning changes that are inconsistent with an adopted comprehensive plan so long as the change is not arbitrary and capricious and it is reasonably related to the promotion of public health, safety, morals and general welfare. *Id.* 268 N.W.2d at 890.

For example, in *State by Rochester Ass'n of Neighborhoods v. City of Rochester*, 268 N.W.2d 885, the Minnesota Supreme Court held that the City of Rochester's decision to rezone a parcel from low-density residential to high-density residential was not arbitrary and capricious where the property was located within three blocks of the central business district and was already adjoined on two sides by high-density residential and institutional uses, though bounded on one side by single-family residences.

Thus, the City may choose to rezone a property in a manner that does not conform to the comprehensive plan, even when the rezoning is inconsistent with some of the surrounding uses. To avoid spot zoning, such decisions must be supported with a factual record that shows the decision was not arbitrary and capricious and was reasonably related to the promotion of public health, safety, morals and general welfare.

# Official Zoning Map



## Zoning Districts

- (R-1) Single-Family Residential
- (R-2) Moderate Density Residential
- (R-3) Medium Density Residential
- (R-4) High Density Residential
- (MU NHD) Mixed Use Neighborhood
- (MU REG) Mixed Use Community
- (O) Office
- (C) Commercial
- (LI) Light Industrial
- (I) Industrial
- (I-1) Assembly: Churches, Schools
- (I-2) Civic: Libraries, Museums, Colleges
- (I-3) Medical: Rest Homes, Nursing Homes, Sanitariums
- (I-4) Golf Courses, Parks, Playgrounds, City Offices
- (I-5) Cemeteries
- Not Zoned
- 59 Planned Unit Development (PUD)
- I-394 Overlay Zoning District (A, B, & C)

**Flood Plain Management Zoning Overlay District**  
See the "Official Flood Zone Profile and Map" on file with the City - The collection of flood profiles contained in the Flood Insurance Study, Volumes 1 of 2 and 2 of 2, Hennepin County, Minnesota, all jurisdictions, dated November 4, 2016, including the Flood Insurance Rate Maps for the City of Golden Valley, panels 27053C0194F, 27053C0213F, 27053C0214F, 27053C0332F, 27053C0351F, 27053C0352F and 27053C0354F, dated November 4, 2016.

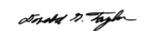
**Shoreland Overlay District**  
See Section on Shoreland Management for setback distance from protected waters.



Approved Amendments: Official Zoning Map		
Ordinance Number	City Council Adoption Date	Comments
Visit the Planning Department at City Hall for a list of amendments approved since adoption.		

**ORDINANCE NO. 271, 2ND SERIES**  
This is to certify that this is the Official Zoning Map referred to in Section 11.11 of the Zoning Chapter of the City Code of the City of Golden Valley.  
Adopted this 22nd day of November 2002.

  
 LINDA R. LOOMIS, MAYOR

Attest:   
 DONALD G. TAYLOR, CITY CLERK





# EXECUTIVE SUMMARY

## Administrative Services

763-593-8013 / 763-593-3969 (fax)

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### Golden Valley City Council Meeting

June 2, 2020

#### Agenda Item

6. A. Noah Joynes Youth Recreation Fund

#### Prepared By

Sue Virnig, Finance Director

Rick Birno, Parks & Recreation Director

#### Summary

Noah Joynes was born and raised in Golden Valley along with his brother, Will Joynes, and sister, Abby Joynes Schulte. His parents, Bill and Judy (Ostrom) Joynes, have been Golden Valley residents for 36 years. Bill was Golden Valley City Manager from 1984 to 2003.

Noah was an active participant in Golden Valley Parks and Recreation programs while growing up. His first job was summer Playground Leader and Puppet Wagon Master at Lions Park. He continued working for Parks and Recreation through high school and during summers while in college. After starting his career at Golden Valley's Allianz Life Insurance, he continued working at Brookview Golden Valley because he so enjoyed his Golden Valley Parks and Recreation family and all the Brookview activities. Noah passed away unexpectedly at age 30 from an undiagnosed heart condition.

Noah was a wonderful, fun-loving mentor to the children participating in Golden Valley Parks and Recreation programs. He would be honored and appreciative to have his name associated with benefiting Golden Valley Parks and Recreation youth programs, participants, and facilities.

The Joynes family decided to donate memorial funds to develop the Noah Joynes Youth Recreation Fund. Its mission is to honor Noah's life by:

- providing financial support to Golden Valley resident youth 0-18 years old to participate in Golden Valley recreational and educational activities, programs, athletics, lessons, and events
- offering an annual grant program to fiscally support Golden Valley residents, Golden Valley established nonprofit 501(c)(3) organizations, and Golden Valley-based youth organizations to submit requests for youth-focused services, recreation programs, and facilities that are within the confines of existing programs and services currently provided

Staff will have an annual check-in with the Joynes family before the budget is prepared for the upcoming year. From that staff will review youth participation requests and approve based on allotted funds.

**Financial Or Budget Considerations**

The acceptance of memorials as donations will allow Noah Joynes' legacy to support the Golden Valley Parks and Recreation Department to provide assistance for youth in the community. The total amount of donations is \$9963.

**Recommended Action**

Motion to adopt Resolution Accepting Donations for the Noah Joynes Youth Recreation Fund from the Joynes Family.

**Supporting Documents**

- Resolution Approve Accepting Donations for the Noah Joynes Youth Recreation Fund (1 page)

RESOLUTION NO. 20-33

RESOLUTION ACCEPTING DONATIONS FOR THE  
NOAH JOYNES RECREATION FUND

WHEREAS, the City Council adopted Resolution 04-20 on March 16, 2004, which established a policy for the receipt of gifts; and

WHEREAS, the Resolution states that a gift of real or personal property must be accepted by the City Council by resolution and be approved by a two-thirds majority of the Council. A cash donation must be acknowledged and accepted by motion with a simple majority; and

WHEREAS, the Joynes Family want to memorialize their son, Noah, who passed away too early in life, by providing youth the opportunity to be involved in programs.

NOW, THEREFORE, BE IT RESOLVED that the City Council accept the following donations in memory of Noah Joynes:

Exhibit A-Noah Joynes Youth Recreation Fund

Adopted by the City Council of Golden Valley, Minnesota this 2<sup>nd</sup> day of June, 2020.

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Shepard M. Harris, Mayor

ATTEST:

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Kristine A. Luedke, City Clerk

**EXHIBIT A- Noah Joynes Youth Recreation Fund**

Catherine Feste	30	Darlene Hall	100
Anne Kaphingst	30	Rick/Cathy Jacobson	100
Harriet Swartz	35	Janice/John Ores	100
Suzanne Weisenburger	150	Janice Apple Tstee	100
Dave MacGillivray	200	Mary Henry	100
James Joynes	250	Jean Palkert	100
Dianne Parrish	250	Patricia Gilbertson	100
Nancy Azzam	500	Don/Donna Taylor	100
Cheryl Schulte	500	Cheryl Back	100
Dean Becker/Ruth Ostrom	500	Kathryn Wilcox	100
Kathryn Karel	600	Susan Ferbuyt	100
Shele Toftey	50	Mary E Anderson	100
Linda Roth	50	Randy Englund	100
Julie Carlson	50	Wendy Lazear	100
Margaret Joynes	50	Allen/Andra Barnard	100
Nancy Zinter	50	Jean Strande	100
Gay Castle	50	Marella Jacobsen	100
Randy Birk	50	Brenda Haberman	100
Nancy Gordon	50	Carolyn Anderson	100
Leann Anderson	50	Holly Schultz	100
Jeanne Mohler	50	Peter Schaefer	100
Kirstin Thomas	50	Nathan Gove	100
Thomas Kern	50	Mary Steinbicker	100
David Melle	50	Jesse/Julie Ostrom	100
Heather Linbo	50	Martha Micks	100
Susan McManus	50	Linda Loomis	100
Jeannine Clancy	50	Jon Segner	100
Kathleen Watkins	50	Bradley Nielsen	100
Mary Wilczyk	50	The Wealth Group	100
Patrick Schafer	50	Ivers Vancers	100
Dean Mooney	50	Judith Semsch	25
Richard Birno	50	Elizabeth Swanson	25
Michelle Caron	20	Jeanne McManus	25
Mary Holasek	20	Lois Lenarz	25
Gary & Katie Aus	50	Walter Wysopal	25
Rae Hale	20	Constance Skoy	25
Carol & Paul LaBonte	50	Arlene Monk	25
Barb Arentson	10	Jan Bettner	25
Amanda Moriarty	20	George Grau	25
Shanon Hanson	20	Marilyn Pickard	25
Kathleen Cook	15	Robert Poppitz	25
Amy Whiteford	20	Rebecca Hale	25
Sheila Cullen	20	Patricia Callahan	25
Heather Bjork	55	Elizabeth Coughlin	20
Joanie Clausen	50	Susan List	20
Darcie/Lyle Pringnitz	10	Jeanene Hodge	20
Marion, Pete, & Laure Franz	50	John Ostrom	1000
Leslie Linster	50	Janice Pearson	30
Robert Hernz	100	Mary Sand	10
Bob Mayeron	18	Guy & Kathy Ostrom	150
City of Golden Valley	100	Larry Bakken	100
Mark Niblick	100	Dee Pederson	25
Martin Spangler	50	Marietta Jacobsen	200
Kathryn Dristsas	50	Susan Larue	50

**TOTAL**

**\$9,963**



# EXECUTIVE SUMMARY

## Physical Development

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

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### Golden Valley City Council Meeting

June 2, 2020

#### Agenda Item

6. B. 1. Second Consideration Modifying the Responsibilities of the Environmental Commission

#### Prepared By

Eric Eckman, Environmental Resources Supervisor

#### Summary

The Environmental Commission recently reviewed its by-laws and is recommending expanding the scope of its responsibilities to more fully reflect its evolving role in supporting the achievement of the City's environmental goals. However, before the by-laws can be amended, the ordinance from which they are drawn must be updated. The Commission recommends its responsibilities include adding advisement to the Council on matters affecting not only the environment but human health. Additionally, the Commission recommends adding language that it develops and make recommendations regarding waste reduction, recycling, and organics/composting, and review and make recommendations on the City's resilience and sustainability policies and actions to address climate variations.

The City Council adopted the first consideration of the Ordinance at its May 19, 2020, meeting following a public hearing. There were no comments provided by the public.

If the second consideration is adopted, the Ordinance will become effective after publication June 11.

#### Financial or Budget Considerations

None

#### Recommended Action

Motion to adopt second consideration of Ordinance 681 deleting in its entirety City Code Chapter 2 Administration, Article V. Boards and Commissions, Section 2-131 Environmental Commission and replacing with a new Section 2-131.

#### Supporting Documents

- City Code Section 2-131 with underline/ overstrike (1 page)
- Ordinance 681 Deleting in its entirety Chapter 2 Administration, Article V. Boards and Commissions Sections 2-131: Environmental Commission and Replacing with a New Section 2-131: Environmental Commission (2 pages)

Sec. 2-131. - Environmental Commission.

- (a) *Establishment and Composition.* An Environmental Commission is hereby established, composed of eight members, seven who shall serve three-year staggered terms and one youth, who shall serve a one-year term.
- (b) *Duties and Responsibilities.* It is the duty of the Environmental Commission to advise and make recommendations to the Council in matters relating to and affecting the environment and human health. Specifically, it shall:
- (1) Develop and make recommendations to educate the public on environmental regulations, policies, practices and tools
  - (2) Develop and make recommendations as an advisory review body for amendments to or revisions of the City's Surface Water Management Plan and provide advice as requested by the Council on other City programs and initiatives
  - (3) Review and make recommendations regarding the City's existing environmental ordinances, policies and guidelines
  - (4) Develop and make recommendations on management practices for the City's nature areas, public and private ponding areas, and other such City-owned properties as directed by the Council
  - (5) Develop and make recommendations regarding waste reduction, recycling, and organics/composting
  - ~~(5)~~ (6) Review and make recommendations on the City's resilience and sustainability policies and actions to address climate variations
  - ~~(6)~~ (7) Identify and advise the Council on activities initiated by other public and quasi-public agencies regarding environmental issues and participate as directed by the Council; and
  - (8) Advise and recommend such other functions or procedures as may be assigned to them by the City Code or the Council.

(Code 1988, § 2.56; Ord. No. 333, 2nd Series, 9-30-2005; Ord. No. 619, 2nd Series, § 5, 3-21-2017)

ORDINANCE NO. 681  
AN ORDINANCE AMENDING THE CITY CODE  
Deleting Chapter 2 Administration, Article V. Boards and Commissions,  
Section 2-131: Environmental Commission and Replacing with a new Section 2-131:  
Environmental Commission

The City Council for the City of Golden Valley hereby ordains as follows:

Section 1. City Code Chapter 2 Administration, Article V. Boards and Commissions, Section 2-131 Environmental Commission is hereby deleted in its entirety and replaced with the following:

Sec. 2-131. – Environmental Commission

- (a) *Establishment and Composition.* An Environmental Commission is hereby established, composed of eight members, seven who shall serve three-year staggered terms and one youth, who shall serve a one-year term.
- (b) *Duties and Responsibilities.* It is the duty of the Environmental Commission to advise and make recommendations to the Council in matters relating to and affecting the environment and human health. Specifically, it shall:
- (1) Develop and make recommendations to educate the public on environmental regulations, policies, practices and tools
  - (2) Develop and make recommendations as an advisory review body for amendments to or revisions of the City's Surface Water Management Plan and provide advice as requested by the Council on other City programs and initiatives
  - (3) Review and make recommendations regarding the City's existing environmental ordinances, policies and guidelines
  - (4) Develop and make recommendations on management practices for the City's nature areas, public and private ponding areas, and other such City-owned properties as directed by the Council
  - (5) Develop and make recommendations regarding waste reduction, recycling, and organics/composting
  - (6) Review and make recommendations on the City's resilience and sustainability policies and actions to address climate variations
  - (7) Identify and advise the Council on activities initiated by other public and quasi-public agencies regarding environmental issues and participate as directed by the Council; and
  - (8) Advise and recommend such other functions or procedures as may be assigned to them by the City Code or the Council.

Section 2. City Code Chapter 1 entitled "General Provisions" and Sec. 1-8 entitled "General Penalty; Continuing Violations" are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Section 3. This ordinance shall take effect from and after its passage and publication as required by law.

Adopted by the City Council this 2<sup>nd</sup> day of June, 2020.

/s/Shepard M. Harris  
Shepard M. Harris, Mayor

ATTEST:

/s/ Kristine A. Luedke  
Kristine A. Luedke, City Clerk



# EXECUTIVE SUMMARY

## Physical Development

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

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### Golden Valley City Council Meeting

June 2, 2020

#### Agenda Item

6. B. 2. Approval of Modifications to Environmental Commission Bylaws

#### Prepared By

Eric Eckman, Environmental Resources Supervisor

#### Summary

The Environmental Commission recently reviewed its bylaws and is recommending expanding the scope of its responsibilities to more fully reflect its evolving role in supporting the achievement of the City's environmental goals.

Before the bylaws could be modified, City Code Chapter 2 Administration, Article V. Boards and Commissions, Section 2-131 Environmental Commission, had to be updated first. City Council adopted the first consideration of Ordinance 681 updating City Code Section 2-131 at its May 19, 2020, meeting and is considering adoption of the second consideration at its meeting June 2.

Pending adoption of the code update, the Commission recommends its bylaws be modified to include advisement to the Council on matters affecting not only the environment but human health. Additionally, the Commission recommends adding language that it develops and make recommendations regarding waste reduction, recycling, and organics/composting, and review and make recommendations on the City's resilience and sustainability policies and actions to address climate variations.

#### Financial or Budget Considerations

None

#### Recommended Action

Motion to approve Modifications to Environmental Commission Bylaws.

#### Supporting Documents

- Bylaws of the Environmental Commission with underline/overstrike (4 pages)
- Bylaws of the Environmental Commission – clean version (3 pages)

# BYLAWS

## Environmental Commission

### Article I: Purpose, Mission, and Duties

The Environmental Commission shall be an advisory commission to the City Council on matters relating to the environment and human health. The Commission shall:

- develop and make recommendations to educate the public on environmental regulations, policies, practices and tools
- develop and make recommendations as an advisory review body for amendments to or revisions of the City's Surface Water Management Plan and provide advice as requested by the Council on other city programs and initiatives
- review and make recommendations regarding the city's existing environmental ordinances, policies, and guidelines
- develop and make recommendations on management practices for the City's nature areas, public and private ponding areas, and other such city-owned properties as directed by the City Council
- Develop and make recommendations regarding waste reduction, recycling, and organics/composting
- Review and make recommendations on the City's resilience and sustainability policies and actions to address climate variations
- participate, as directed by the City Council, in local activities initiated by other public and quasi-public agencies regarding environmental issues
- advise and recommend such other functions or procedures as may be assigned to them by the City Code or the Council

### Article II: Membership, Appointments, Terms, and Officers

#### A. Membership

The Commission shall consist of seven regular members, and one voting youth member. Regular members shall be qualified voters and residents of the City. Youth members shall live or attend school within Golden Valley and enrolled in school grades 9 through 12. A vacancy shall be deemed to exist if a member ceases to meet the residency requirements.

#### B. Appointments and Terms

Appointments are made effective May 1 of each year. The Council shall appoint regular members of the Commission for three-year staggering terms. Youth members shall be appointed for a one-year term. The terms of Commission members shall be fixed and determined at the time of appointment by the governing ordinance. Emphasis in appointments will be made based on knowledge of environmental issues and their relationships to the natural environment and the quality of life in the City. The City Council shall appoint the members of the Commission and to fill vacancies for unexpired terms.

#### C. Officers

The Commission shall elect officers of Chair and Vice-Chair from the Commission membership by its voting members at its regular annual meeting, (no later than the second meeting after May 1 in each year). The Chair and Vice Chair positions rotate, and members may only serve two consecutive years as the Chair or Vice-Chair. Should the office of Chair or Vice-Chair become vacant, the Commission shall elect a successor

from its membership at the next regular meeting and such election shall be for the unexpired term of said office. Officers may also delegate the duties of their position to other Commissioners as deemed appropriate by the Commission.

Chair responsibilities include:

- work with staff liaison to develop meeting agendas
- conduct and preside at all meetings in a productive and time-efficient manner
- ensure the Commission conducts its activities within the stated mission and bylaws of the Commission
- appoint Commissioners to subcommittees
- monitor and ensure the progress of the Commission
- report to the City Council

Vice-Chair responsibilities:

- perform the duties of the Chair in the absence or incapacity of the Chair
- perform all other duties as prescribed by the Commission

### **Article III: Meetings and Attendance**

#### **A. Meetings**

All meetings of the Commission shall be conducted in accordance with the Minnesota Open Meeting Law and City Code. This means all business and discussion occurs at a meeting which has been posted and is open to the public.

The presence of a majority of all regular members currently appointed to the Commission shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes. In the event a quorum is not reached, a smaller number of members may meet to have informal discussion, however, formal action shall not be taken and must be reserved for such time as when a quorum of the Commission is reached. A quorum of the members should not discuss Commission business by email, forms of social media, telephone, or informal meetings. Commission meetings may be cancelled by the staff liaison if there are no items on the agenda for discussion.

The proceedings of meeting should be conducted using standard parliamentary procedure.

##### **i. Regular Meeting**

The regular meeting of the Commission shall be held on the fourth Monday of the month at City Hall at 6:30 pm. The Commission may, by a majority vote, change its regular meeting dates for any reason provided proper public notice of the changed meeting is provided.

##### **ii. Annual Meeting**

The Annual Meeting of the commission shall be a regular meeting, typically the first meeting after May 1 of each year, at which time elections will be held.

##### **iii. Special Meetings**

A special meeting may be called by the Chair or whenever three members request the same in writing. Staff shall give notice to each commissioner, at least three days prior to any special meeting, of the time, place, and purpose of the meeting.

**B. Attendance**

Absences in one year should not exceed three consecutive meetings or more than 25 percent of the total meetings for the year. If a member is unable to attend a meeting, that member should contact the staff liaison, who will inform the chair if a quorum cannot be attained and the meeting will be cancelled.

A standardized letter of warning will be sent from the City Manager's office to any member after two consecutive or two total absences for groups meeting once a month. For those meeting twice a month the letter would be sent from the chair after two consecutive or five total absences. If a member exceeds the allowable number of absences the City Manager's office will send a standardized letter stating the member must step down because of the importance of regular attendance and the number of citizens interested in serving. If the City Manager's office feels there are extenuating circumstances in a case of a member who has not met the attendance requirements, an exception can be made.

**Article IV: Rules****A. Recordkeeping**

All minutes and resolutions shall be in writing and shall be kept in accordance with City procedures, Minnesota Statute and Rules regarding preservation of public records and the Minnesota Data Privacy Act.

**B. Work Plan**

The Commission will draft an annual work plan that details activities and projected timelines for the upcoming year.

- The Chair may appoint Commissioners to be primarily responsible for each work plan activity.
- The Commission may establish subcommittees to oversee work plan activities. The subcommittees will be chaired by Commissioners appointed by the Chair.
- The Commission's work plan will be submitted to the City Council, typically during the first quarter of the calendar year. The Chair and/or Commissioners will attend a Council/Manager meeting to discuss the annual work plan with the City Council.
- The Commission's work plan must be agreed upon by the City Council.

**C. Annual Report**

The Commission shall submit an annual report to the City Council summarizing the past year's activities. The report may highlight information the Commission feels appropriate to convey to the City Council.

**D. Performance of Duties**

Commissioners are expected to adequately prepare for meetings. Commissioners unable to complete an assigned task should notify the commission chair or subcommittee chair as soon as possible. The Commission staff liaison may ask the City Council to review a Commissioner's appointment based upon its assessment of significant non-performance of duties.

**Article V: Amendments and Revisions**

The Commission will review these bylaws no later than the second meeting after May 1 every three years. Members may present recommendations for changes and amendments. These bylaws can be

altered or amended at any regular monthly Commission meeting with a majority of members present, provided that notice of the proposed changes and amendments is provided to each member at least 10 business days before the meeting. The Council must review and approve any changes to, and has final authority regarding, these bylaws.

# BYLAWS

## Environmental Commission

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The Environmental Commission shall be an advisory commission to the City Council on matters relating to the environment. The Commission shall:

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### Article II: Membership, Appointments, Terms, and Officers

#### A. Membership

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#### B. Appointments and Terms

Appointments are made effective May 1 of each year. The Council shall appoint regular members of the Commission for three-year staggering terms. Youth members shall be appointed for a one-year term. The terms of Commission members shall be fixed and determined at the time of appointment by the governing ordinance. Emphasis in appointments will be made based on knowledge of environmental issues and their relationships to the natural environment and the quality of life in the City. The City Council shall appoint the members of the Commission and to fill vacancies for unexpired terms.

#### C. Officers

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Chair responsibilities include:

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- The Commission may establish subcommittees to oversee work plan activities. The subcommittees will be chaired by Commissioners appointed by the Chair.
- The Commission's work plan will be submitted to the City Council, typically during the first quarter of the calendar year. The Chair and/or Commissioners will attend a Council/Manager meeting to discuss the annual work plan with the City Council.
- The Commission's work plan must be agreed upon by the City Council.

**C. Annual Report**

The Commission shall submit an annual report to the City Council summarizing the past year's activities. The report may highlight information the Commission feels appropriate to convey to the City Council.

**D. Performance of Duties**

Commissioners are expected to adequately prepare for meetings. Commissioners unable to complete an assigned task should notify the commission chair or subcommittee chair as soon as possible. The Commission staff liaison may ask the City Council to review a Commissioner's appointment based upon its assessment of significant non-performance of duties.

**Article V: Amendments and Revisions**

The Commission will review these bylaws no later than the second meeting after May 1 every three years. Members may present recommendations for changes and amendments. These bylaws can be altered or amended at any regular monthly Commission meeting with a majority of members present, provided that notice of the proposed changes and amendments is provided to each member at least 10 business days before the meeting. The Council must review and approve any changes to, and has final authority regarding, these bylaws.



# EXECUTIVE SUMMARY

## City Administration

763-593-8006 / 763-593-8109 (fax)

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### Golden Valley City Council Meeting

June 2, 2020

#### Agenda Item

6. C. COVID-19 Pandemic Emergency Administrative Actions

#### Prepared By

Tim Cruikshank, City Manager

Maria Cisneros, City Attorney

#### Summary

The City Manager and City Attorney recommend that the City Council ratify the attached eight Emergency Administrative Actions that staff has taken since May 5, 2020 in response to the COVID-19 pandemic. The new actions include:

- Emergency Administrative Action 20-44 Amending the License Agreement with the Golden Valley Orchestra
- Emergency Administrative Action 20-45 Modifying Requirements for Special Event Permits
- Emergency Administrative Action 20-46 Moving Night to Unite from August 4 to October 6, 2020.
- Emergency Administrative Action 20-47 Adopting Updated Temporary Employment Policies
- Emergency Administrative Action 20-48 Adopting Updated Temporary Worksite Safety Policies
- Emergency Administrative Action 20-49 Approving Temporary Outdoor Service Permits and Amendments to Liquor Licenses Relating to Temporary Outdoor Service

The City Manager and City Attorney recommend the Council ratify these Emergency Administrative Actions.

#### Financial or Budget Considerations

Not Applicable

#### Recommended Action

Motion to ratify Emergency Administrative Actions 20-44 through 20-49.

#### Supporting Documents

- Emergency Administrative Actions 20-44 through 20-49 (48 pages)



7800 Golden Valley Road  
Golden Valley, MN 55427

**EMERGENCY ADMINISTRATIVE ACTION 20-44  
AMENDING THE LICENSE AGREEMENT  
WITH THE GOLDEN VALLEY ORCHESTRA**

Pursuant to Mayoral Proclamation and Council Resolution, effective March 17, 2020, the City of Golden Valley approves the attached Third Amendment to the License Agreement with the Golden Valley Orchestra and authorizes the Mayor and City Manager to sign the amendment upon ratification of this Emergency Administrative Action by the City Council.

A handwritten signature in black ink, appearing to read "Timothy J. Cruikshank", written over a horizontal line.

Date: May 20, 2020

Timothy J. Cruikshank, City Manager

**THIRD AMENDMENT TO  
LICENSE AGREEMENT BETWEEN  
CITY OF GOLDEN VALLEY &  
THE GOLDEN VALLEY ORCHESTRA**

**THIS THIRD AMENDMENT TO LICENSE AGREEMENT BETWEEN CITY OF GOLDEN VALLEY & THE GOLDEN VALLEY ORCHESTRA** (this “**Third Amendment**”) is made effective as of June 2, 2020 (the “**Amendment Effective Date**”) by and between the City of Golden Valley (“**Licensor**”) and the Golden Valley Orchestra (“**Licensee**”), a Minnesota nonprofit corporation.

RECITALS

**WHEREAS**, Licensor and Licensee are parties to a License Agreement, dated January 1<sup>st</sup>, 2018 and amended on May 7, 2019 and January 21, 2020 (the “**License**”).

**WHEREAS**, the parties desire to amend the License as provided herein.

**WHEREAS**, upon the mutual written agreement of the Licensor and Licensee, the terms of the License may be modified.

**WHEREAS**, the parties wish to amend the License as set forth below.

AGREEMENT

The parties agree to amend the License as follows, effective as of the Amendment Effective Date:

1. **Recitals**. The recitals set forth above are true and correct and are hereby incorporated herein by reference. Any capitalized terms used herein but not defined have the same meaning as that ascribed to them in the License.
2. **Extension of Term**. The term of the License shall be extended and the License shall continue in effect until December 31, 2025. No later than December 1 of each year, the parties shall meet to determine a schedule for the following calendar year and shall jointly prepare updates to **Exhibit B: List of Rehearsal Dates and Board Meetings**, and **Exhibit C: Agreed Services to the City**. Once approved and signed by the authorized party for the GVO and the City Parks and Recreation Director, the Parks and Recreation Director shall file the updated Exhibits B and C with the City Clerk no later than January 1 each year.
3. **Temporary Suspension**. Pursuant to Mayoral Proclamation and Council Resolution, effective March 17, 2020, the City of Golden Valley closed all of its facilities to the public due to the COVID-19 pandemic. As a result of the facility closing and other complications related to the COVID-19 pandemic, the parties agree to suspend the obligations of both parties indefinitely. The parties may resume their respective

obligations under the License at any time by mutual agreement. The City Manager shall have the authority to resume the City's obligations under this paragraph.

4. **Force Majeure.** Neither party shall be responsible or liable to the other for any failure or delay in the performance of its obligations hereunder arising out of or caused by, directly or indirectly, forces beyond its control, including, without limitation, strikes, work stoppages, accidents, acts of war or terrorism, civil or military disturbances, nuclear or natural catastrophes or acts of God, pandemic, and interruptions, loss or malfunctions of utilities, communications or computer (software and hardware) services; it being understood that the parties shall use reasonable efforts to resume performance as soon as practicable under the circumstances.
5. **Ratification.** Except as specifically provided in this Third Amendment, each and every provision of the License, as amended through the date hereof, remains, and is, in all respects, in full force and effect.
6. **Counterparts.** This Third Amendment may be executed in any number of counterparts, including facsimile and .pdf, each of which constitutes an original and all of which, collectively, constitute one and the same instrument. The signatures of the parties need not appear on the same counterpart.
7. **Miscellaneous.** (i) The provisions hereof are binding upon and inure to the benefit of the parties and their respective successors and assigns; and (ii) this Third Amendment along with the License, as previously amended, constitute the entire understanding between the parties in respect to the subject matter hereof.

**INTENDING TO BE LEGALLY BOUND HEREBY**, the parties have executed this Third Amendment as evidenced by the signatures of their authorized representatives below.

**Signed:**  
Golden Valley Orchestra,  
a Minnesota nonprofit corporation

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Its (Title): \_\_\_\_\_

**Signed:**  
City of Golden Valley,  
a Minnesota municipal corporation

By \_\_\_\_\_  
Shepard M. Harris, Mayor

By \_\_\_\_\_  
Timothy J. Cruikshank, City Manager



7800 Golden Valley Road  
Golden Valley, MN 55427

**EMERGENCY ADMINISTRATIVE ACTION 20-45  
RESCHEDULING NIGHT TO UNITE**

Pursuant to Mayoral Proclamation and Council Resolution, effective March 17, 2020, the City of Golden Valley reschedules the 2020 Night to Unite event from August 4, 2020 to October 6, 2020. The City is taking this action in accordance with recommendations from the Minnesota Crime Prevention Association.

A handwritten signature in black ink, appearing to read "Timothy J. Cruikshank", is positioned above a horizontal line.

Date: May 20, 2020

Timothy J. Cruikshank, City Manager

**EMERGENCY ADMINISTRATIVE ACTION 20-46  
ESTABLISHING ADDITIONAL REQUIREMENTS  
FOR SPECIAL EVENT PERMITS**

Pursuant to Mayoral Proclamation and Council Resolution, effective March 17, 2020, the City of Golden Valley establishes the following additional requirements for Special Event Permits:

- For events held on City-owned land or public right of way, the organization or group sponsoring the event (the “Organizer”) shall:
  - Be solely responsible for all safety precautions on the site for the duration of the event, including setup and teardown.
  - Provide general liability insurance of at least \$1,000,000 per occurrence if no alcohol is served and \$2,000,000 if alcohol is served and name the City as an additional insured.
  - Defend and indemnify the City for any claims arising from or related to the event.
  - Enter into an agreement with the City in a form approved by the City Attorney, which shall include the foregoing requirements and which may include additional requirements as determined by the City Manager and City Attorney.
  - Submit to the City a certification that the group or organization has adopted a COVID-19 preparedness plan that meets the requirements of the United States government and the State of Minnesota.
  - Submit a copy of its COVID-19 preparedness plan to the City for review.
  
- For events held on private property, the Organizer shall:
  - Submit to the City a certification that the group or organization has adopted a COVID-19 preparedness plan that meets the requirements of the United States government and the State of Minnesota.
  - Submit a copy of its COVID-19 preparedness plan to the City for review.

These requirements are in addition to the rules and requirements in Golden Valley City Code, section 26-9. This action will continue indefinitely unless repealed by subsequent City Manager or Council action.



Date: May 26, 2020

\_\_\_\_\_  
Timothy J. Cruikshank, City Manager



7800 Golden Valley Road  
Golden Valley, MN 55427

**EMERGENCY ADMINISTRATIVE ACTION 20-47  
UPDATING TEMPORARY EMPLOYMENT  
POLICIES IN RESPONSE TO COVID-19**

Pursuant to Mayoral Proclamation and Council Resolution, effective March 17, 2020, the City of Golden Valley adopts the attached updated City of Golden Valley Temporary Employment Policies in Response to COVID-19, effective May 28, 2020.

These Temporary Employment Policies shall remain in effect indefinitely unless modified by subsequent City Manager or Council action.

A handwritten signature in black ink, consisting of several vertical strokes and a horizontal line at the end, positioned above a horizontal line.

Date: May 28, 2020

\_\_\_\_\_  
Timothy J. Cruikshank, City Manager

# Temporary Employment Policies in Response to COVID-19 Pandemic



The City of Golden Valley values the health and safety of its employees and community members. In response to the COVID-19 pandemic, the City Manager enacts the following temporary employment policies:

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# Temporary Employment Policies in Response to COVID-19 Pandemic



## Employee Travel Policy

Effective 3/12/2020 – Revised 3/19/2020 – Revised 5/15/2020

### Employee Travel Generally

- Except as provided in the Travel Waiver Policy below, all employee business-related travel is prohibited. Employees should contact their supervisor if they have questions about traveling for business purposes. Employees may travel locally to perform the essential responsibilities of their jobs provided they obtain supervisor approval and follow all City policies, including but not limited to applicable social distancing and facial coverings (mask) policies.
- Non-critical internal meetings shall be cancelled, or hosted virtually.
- Employees who are planning to travel for personal reasons, or have recently returned from a trip, should notify their supervisor immediately. Employees are encouraged to follow [CDC Guidelines and Recommendations](#).
  - Employees returning from vacation may be asked to self-quarantine for a period of up to 14 days without symptoms. Employees may continue to work remotely if they are able.
  - If at any time an employee develops symptoms, they should contact their supervisor as soon as practicable.

### Travel Waiver Policy

The City of Golden Valley hereby implements the following Temporary Travel Waiver Approval Process.

#### Temporary Travel Waiver Approval Process

- To authorize travel during the COVID-19 pandemic, supervisors must first consult with their department head to determine if the travel is necessary.
- If the travel is necessary, the Department Head must email a completed Temporary Travel Waiver Request to Kirsten Santelices in Human Resources. The Human Resources Director and City Manager will review the business case for the request, and either approve or deny the request in a timely fashion. Departments may authorize employee travel after the City Manager and Human Resources director have issued a pre-approval.

#### Temporary Travel Waiver Criteria

- The request must comply with all requirements of any Minnesota Executive Orders and other applicable laws, rules, and policies in effect at the time of the request.
- The request may only be granted when all of the following criteria are met:

# Temporary Employment Policies in Response to COVID-19 Pandemic



- The travel is required to perform the employee’s job or is required to obtain or maintain a professional license or certification that is required for the employee to perform their job;
- There is no alternative that does not require travel; and
- The City has the ability to fund the travel.
- If the travel is approved, the employee shall follow all applicable City Policies for the duration of the trip.

This action modifies in part Emergency Executive Action 20-08. This action shall remain in effect indefinitely unless modified by subsequent City Manager or Council action.

# Temporary Employment Policies in Response to COVID-19 Pandemic

## Screening and Symptoms

The purpose of this section is to provide protocols that will ensure the prompt identification and isolation of sick persons at City Facilities. The City has implemented a number of temporary policies to address illness, leave options, and COVID-19 exposure. Employees are required to adhere to all of these policies.

The City will provide accommodations for workers with underlying medical conditions or who have household members with underlying health conditions.

## Employee Health Screening

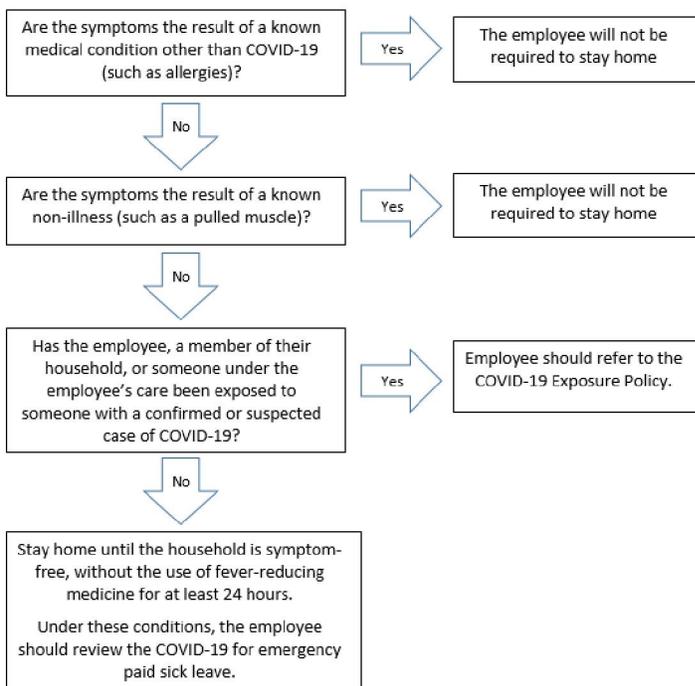
Employees are required to actively monitor their own health. Each day, employees shall use the CDC "[Self-Checker](#)." prior to performing work on-site. The employee shall only be required to notify their supervisor if they are experiencing symptoms or the CDC Self-Checker recommends isolation or medical attention.

Employees are required to continually screen themselves for the following symptoms:

- Persistent cough
- Runny nose
- Sore throat
- Fever (100.4 degrees oral)
- Shortness of breath
- Chills
- Muscle pain
- Vomiting or diarrhea within the last 24 hours
- New loss of smell or taste

## Employee or Household Illness

If an employee or a person in the employee’s household, or someone under the care of an employee is exhibiting any of the symptoms listed above the employee should notify their supervisor as soon as practically possible and follow these guidelines:



# Temporary Employment Policies in Response to COVID-19 Pandemic



## COVID-19 Exposure Policy

### Employee Secondary Exposure

If a member of the employee’s household, or someone under the care of an employee is exposed to a suspected or confirmed case of COVID-19, the employee should notify their supervisor, but may continue to work on-site as long as the employee and members of the employee’s household remain asymptomatic. If at any time the employee or member of the employee’s household starts to show symptoms, the employee shall notify their supervisor immediately.

### Employee Direct Exposure to Suspected or Confirmed Case of COVID-19

If at any time an employee has come in contact with someone who has a suspected or confirmed positive case of COVID-19 the employee should notify their supervisor and human resources immediately. The City shall implement the following measures recommended by the CDC and MDH.

### Removal from On-Site Work

If the employee is at work and learns that someone with whom they have been in contact has a suspected or confirmed case of COVID-19, they shall be sent home immediately. If the employee is at home, they shall be instructed not to report to work on-site.

### Conduct Exposure Risk Analysis

Human Resources and the supervisor shall conduct a risk analysis using the table below to determine if contact exposure has occurred. The Human Resources Department shall update the table as the CDC’s [Public Health Recommendations for Community Related Exposure](#) and [Guidance for Risk Assessment and Work Restrictions for Healthcare Personnel](#) change and as any other guidance from the CDC or MDH is released.

Person:	Exposure to:	Recommended Precautions:
<ul style="list-style-type: none"> <li>Member of employee’s household</li> <li>Employee’s intimate partner</li> <li>Individual providing care in a household without using recommended <a href="#">infection control precautions</a></li> <li>Individual who has had close contact<sup>1</sup> with employee for a prolonged period of time,<sup>2</sup> unless employee is an emergency responder and contact occurred while employee was wearing <a href="#">personal protective equipment (PPE)</a>.</li> </ul>	Person with symptomatic COVID-19 during period from 48 hours before symptoms onset until meets criteria for discontinuing home isolation (can be a laboratory-confirmed disease or a clinically compatible illness in a state or territory with widespread community transmission)	<ul style="list-style-type: none"> <li>Stay home until 14 days after last exposure and maintain social distance (at least 6 feet) from others at all times</li> <li>Self-monitor for symptoms               <ul style="list-style-type: none"> <li>Check temperature twice a day</li> <li>Watch for fever (100.4°F; oral), cough, or shortness of breath</li> </ul> </li> <li>Avoid contact with people at higher risk for severe illness (unless they live in the same home and had same exposure)</li> <li>Follow CDC guidance and inform supervisor if employee develops symptoms</li> </ul>

<sup>1</sup> Contact means < 6 feet

<sup>2</sup> Prolonged period of time means 15 minutes or more

# Temporary Employment Policies in Response to COVID-19 Pandemic



The employee shall remain home while the City conducts this analysis. The employee shall be paid their regular rate of pay during this time and shall not be required to use PTO or other leave.

At the conclusion of the risk analysis, the City shall inform the employee if a period of isolation is required.

## **Period of Isolation**

If a period of isolation is required, the duration of such time shall be determined by the Minnesota Department of Health "COVID-19 and When to Return to Work" guidance. However, the employee may return sooner if one or both of the following occur:

- It is determined that the individual with the suspected case of exposure is confirmed negative; or
- The employee voluntarily submits a confirmed negative viral COVID-19 test following the advice of the employee's medical provider. Antibody tests shall not be accepted.
  - The employee shall submit their proof of negative results to Human Resources. These results shall be kept confidential in accordance with HIPPA and the Minnesota Data Practices Act.

## ***Employee Pay During Period of Isolation***

If a period of isolation is required:

- Employees who are able may work remotely (telework).
- If the employee is unable to work due to any reasons under the City's COVID-19 Temporary Federal Leave Policies the employee may qualify for paid emergency sick leave.
- If the employee is unable to telework due to the requirements of their job and does not qualify for emergency paid sick leave, the employee will be required to follow existing City paid leave policies (including sick, vacation, PTO, and comp time).

If the employee develops symptoms at any time, the employee should notify their supervisor and continue to remain offsite.

## **Employee Confirmed Positive Case of COVID-19**

If at any time an employee is confirmed to have COVID-19, the employee shall immediately notify their supervisor and human resources. The employee's supervisor or designee shall serve as the point of contact with the employee. The following procedures shall be followed.

### **Removal from On-Site Work**

If the employee is at work, they shall be sent home immediately. If the employee is at home, they shall be instructed not to report to work on-site.

### **Period of Isolation**

During the period of isolation:

- Employees who are able shall work remotely (telework).
- If the employee is unable to work due to sickness, the employee may qualify for paid emergency sick leave under the City's COVID-19 Temporary Federal Leave Policy.

# Temporary Employment Policies in Response to COVID-19 Pandemic

- If the employee is unable to telework due to the requirements of their job and does not qualify for emergency paid sick leave, the employee will be required to follow existing City paid leave policies (including sick, vacation, PTO, and comp time).

## Reporting Exposure

The City shall compile information on persons who had contact with the ill employee during work hours during the time the employee had symptoms and up to 48 hours prior to showing symptoms.

- Any other individuals who have had close contact (within 6 feet of the employee during this time) may be considered “exposed” and shall be subject to the COVID-19 “direct exposure” provisions of this policy.

The City shall notify all of the identified individuals of the potential exposure. Pursuant to the MN Data Practices Act and the Americans with Disabilities Act (ADA), the City will not share the name of the individual with anyone.

## Additional Decontamination

All workspace surfaces, vehicles, and equipment that the employee used up to 48 hours prior, will be cleaned and disinfected following CDC cleaning and disinfecting recommendations.

## Returning to Work

An employee who had COVID-19 may return to work once the conditions under the CDC’s guidance on [“Ending Home Isolation”](#) are met.

## Communication Regarding Employee Health

The City will protect the privacy of all employees, employees’ medical information, and information about accommodations or leaves in accordance with all applicable federal and state laws.

# Temporary Employment Policies in Response to COVID-19 Pandemic



## Flexible Work Arrangements Policy

Effective 3/15/2020 – Revised 4/3/2020 – Revised 4/10/2020 – Revised 04/17/2020 – Revised 4/30/2020

All employees will continue to be paid at their normal rate of pay.

- Employees who are able to work remotely, should do so until further notice.
  - Employees who work remotely should continue to work their normal hours unless they have made other arrangements with their supervisor.
  - Employees who are unsure whether or not they can work remotely, should contact their supervisor.
  - Employees who need to make arrangements to work remotely should work with their supervisor to make the required preparations. If employees need to visit the office, the employee and supervisor should work together to arrange a specific time for the employee to come to the office. Staff should make every effort to minimize the number of people in the building.
    - All staff visiting City buildings shall follow the Temporary Decontamination Policy ([Temporary Worksite Safety Policies](#)).
    - Employees deemed critical who are able to work on-site shall follow the City's [Temporary Worksite Safety Policies](#) and department-specific policies related to worksite safety and use of personal protective equipment (PPE).
- Employees who cannot work remotely should be available to work during their regular hours, but should not report to work unless instructed to do so by their supervisor. All employees will continue to be paid at their normal rate of pay, unless otherwise noted below.
- Employees may be called in to work as situations change/evolve.
  - This means that all employees should be reachable and available to work during their regular work hours. If an employee has a pre-approved vacation the employee must use PTO/Vacation for that time, unless the vacation is cancelled. Employees should notify their supervisor if they intend to cancel their vacation.
  - Additionally, if an employee is unable work because they are sick or are caring for a family member who is sick, unrelated to COVID-19, the employee shall use PTO/sick leave until they are able to return to work. In this case, other leave benefits may apply, please contact human resources with questions. If the employee is unable to work based on a situation related to COVID-19, the employee should refer to the [COVID-19 Temporary Federal Leave Policies](#) and contact human resources.
- The City may provide additional or alternative non-ADA accommodations to support its employees as they work during the COVID-19 pandemic. Employees requesting such

# Temporary Employment Policies in Response to COVID-19 Pandemic



accommodations should refer to the [COVID-19 Non-ADA Accommodation Procedures & Request Form](#).

- All non-regular employees (including interns and Brookview staff) will be paid for all of the hours for which they have been scheduled.
- Beginning April 2, 2020 the following policy amendments shall take effect:
  - Except as noted below, non-regular employees who are no longer scheduled to work due to facility closures shall continue to be paid bi-weekly at their regular rate of pay. The number of hours for which the employee will be paid each pay period shall be based upon the average number of hours the employee worked over the previous six pay periods (from 12/23/2019-3/15/2020). Three One Six Restaurant employees shall be paid for the average number of hours worked over the same six pay periods, excluding the week of February 3 – February 9 (during which time the facility was closed for operational repairs).
  - For the purposes of this policy, non-regular employees include individuals in the following positions:
    - Server
    - Bartender
    - Cook
    - Dishwasher/Bar-Back
    - Restaurant and Banquet Staff Coordinator
    - Golf Staff Coordinator
    - Lead Pro-Shop Cashier/Pro-Shop Cashier
    - Guest Services Lead
    - Community Center Attendant
    - Indoor Playground Attendant
    - Sports Instructor
    - Assistant Senior Program Coordinator
    - Building and Grounds Maintenance Worker
  - Temporary employees whose positions have an established end date based on normal operating procedures shall end their employment on the normally scheduled date and shall not be entitled to pay after that date. These positions include: Warming House Attendants, Sports/Athletic Instructors, and Accounting Intern.
- Beginning April 17, 2020, 5 pm, the City has implemented temporary layoffs of employees in the positions listed above.

# Temporary Employment Policies in Response to COVID-19 Pandemic



- Emergency Management/Public Safety personnel shall follow directives of their department leadership.

# Temporary Employment Policies in Response to COVID-19 Pandemic

## Temporary Employee Recall Policy

Effective 4/21/2020

As the City resumes normal business operations, the City may, recall employees who have been temporarily laid off. Departments wishing to recall laid off employees shall follow the requirements of the Hiring Suspension Waiver Approval Process, as modified from time to time. See Emergency Administrative Action 20-31.

The City shall determine which employees to recall according to the following factors:

- The needs of the City, including the needs to fulfill project requirements, deadlines, etc;
- The employee's transferable skills (if the role has changed);
- How the employee performed in their old role; and
- How long the employee has worked at the organization (tenure).

An official notice of recall shall be sent to each recalled employee by email. The employee must respond to the recall notice within three days following receipt of the notice or its attempted delivery, or it will be assumed that the employee is refusing the recall.

If an employee has been laid off for a period of three months or more, the employee may be required to complete pre-employment conditions prior to returning to work.

# Temporary Employment Policies in Response to COVID-19 Pandemic



## PTO and Vacation Maximum Accrual

Effective 4/8/2020

Under the City's existing leave policies employees accrue vacation hours or paid time-off (PTO) hours each pay period. The hours are accrued according to an accrual schedule, which is based on an employee's years of service. Each accrual schedule has a maximum number of accrual hours. The City's current vacation and PTO accrual schedules can be found [here](#). Under existing policies, an employee no longer accrues vacation or PTO hours once they have reached the maximum number of accrual hours within their schedule.

### Temporary Policy and Conditions

Under this temporary policy, employees are eligible to accrue vacation and PTO hours beyond their existing maximum accrual, provided all of the following conditions are met:

- The employee is a full-time regular or part-time regular benefit earning employee;
- The employee is within 40 hours of, or has already exceeded, their existing maximum accrual balance at any time between April 8, 2020 and December 31, 2020;
- the employee has submitted a vacation or paid time-off request between April 8, 2020 and December 31, 2020, and
- the employee's Department Head or the City Manager denied the employee's vacation or paid-time off request to preserve continuity of City operations.

If an employee reaches the maximum vacation or PTO accrual within their schedule, but has not been denied the opportunity to use such leave, the employee shall stop accruing leave hours pursuant to the existing vacation and PTO policies.

### Process

When an employee meets the conditions listed above the employee should email their department head and human resources with a request to extend their vacation or PTO maximum accrual. The request shall be reviewed and approved or denied by the City Manager.

Upon approval, employees shall continue to accrue vacation or PTO hours above their existing maximum accrual until December 31, 2020. All vacation hours and PTO hours accrued beyond the existing maximum accrual must be used by December 31, 2020. Employees shall follow normal vacation or PTO request policies and procedures.

Vacation or PTO hours accrued beyond the existing maximum accrual shall not carry over to the following calendar year, nor will the accrued hours be paid out to employees in the form of cash or any other type of compensation.

Additionally, all vacation hours and PTO hours that are accrued above the employee's existing maximum accrual will not be paid out to an employee upon separation from employment in the form of cash, or used in any manner other than what is stated in this policy.

# Temporary Employment Policies in Response to COVID-19 Pandemic



## Supervisor Responsibilities

Supervisors are responsible for the following responsibilities:

- Ongoing and regular communication with employees (both working and non-working) including messages from the Emergency Management Team and Department Head.
- Fill out and approve timecards.

Supervisors: please ensure you have the primary phone number and email for each of your employees, your direct supervisor, and your Department Head. Additionally, you should have the contact information for the following individuals:

- Tim Cruikshank, City Manager – (763-593-8003)
- Kirsten Santelices, Human Resources Director (all employee-related questions) – (763-593-3989)
- Ted Massicotte, Deputy Fire Chief (Interim Emergency Management Director) – (763-593-8080)
- Internal Only Public Safety Line – (763-593-8056)
- Wanita Williams, Accountant (payroll questions) – (763-593-8011)
- Sue Virnig, Finance Director (back-up payroll questions; expenses) – (763-593-8010)
- Cheryl Weiler, Communications Director (Crisis Communications Director) – (763-593-8004)



7800 Golden Valley Road  
Golden Valley, MN 55427

**EMERGENCY ADMINISTRATIVE ACTION 20-48  
UPDATING TEMPORARY WORKSITE SAFETY POLICIES**

Pursuant to Mayoral Proclamation and Council Resolution, effective March 17, 2020, the City of Golden Valley adopts the updated City of Golden Valley Temporary Worksite Safety Policies effective May 22, 2020 and updated May 29, 2020.

These Temporary Worksite Policies shall remain in effect indefinitely unless modified by subsequent City Manager or Council action.

A handwritten signature in black ink, consisting of several vertical strokes and a horizontal line at the bottom, positioned above a horizontal line.

Date: May 29, 2020

\_\_\_\_\_  
Timothy J. Cruikshank, City Manager

# Temporary Worksite Safety Policies in Response to COVID-19 Pandemic



## Introduction and Purpose

The City of Golden Valley values the health and safety of its employees and community members. In response to the COVID-19 pandemic, the City Manager enacts these Temporary Worksite Safety Policies. These policies shall remain in place until repealed by action of the City Manager. Where there is a conflict between any Temporary Worksite Safety Policy and a department specific policy (approved by human resources), the department specific policy shall control. Employees must continue to follow the [City’s Temporary Employment Policies](#).

## Current Temporary Worksite Safety Policies:

Temporary Decontamination Policy .....	2
Temporary Vehicle and Equipment Use Policy.....	4
Temporary Facial Covering (Masks) Policy .....	5
Temporary Field Inspections Policy .....	7
Temporary Public Works On-Site Work Policy .....	8
Temporary City Park and Open Space Monitoring Policy.....	9
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# Temporary Worksite Safety Policies in Response to COVID-19 Pandemic



## Temporary Decontamination Policy

Effective 04/17/2020

### Introduction

During a health emergency, some City facilities may be closed. In these situations, staff shall, to the extent possible, work remotely. Periodically employees may need to enter City facilities to perform critical services. In addition to the requirements of this Decontamination Policy, the City shall follow the preventative measures and recommendations of the Center for Disease Controls (CDC) and OSHA. Employees may refer to the short [video guides](#) for the decontamination procedures below.

### Purpose

The purpose of this Decontamination Policy is to provide employees with procedures to consistently and effectively maintain the cleanliness of City property and facilities, thereby minimizing the spread of germs.

All employees entering City facilities, operating City equipment, or handling City property during a closure shall follow this Decontamination Policy.

### Supplies

The City will provide the necessary equipment and supplies needed to carry out this Decontamination Policy. The supplies inventory will be maintained by Public Safety Staff and employees should immediately notify the on-duty employee at the Public Safety front desk (763-593-8056) when inventory is low in any City facility. The following supplies will be located at or near the main entrances in each building:

- Spray bottles (3% bleach to water solution)
- Paper towels
- Hand Sanitizer
- Gloves

### Cleaning and Disinfecting Procedures

#### Facilities

1. Employees shall obtain the necessary supplies upon entering the building.
2. Employees shall use the supplies to decontaminate/wipe down the following:
  - any door handles encountered on the way to their work areas,
  - the employee's personal workspace, and
  - common places including, door knobs, plumbing fixtures, counter tops, desks, computers, etc.
3. Employees may not handle equipment, office supplies, or other such materials belonging to another employee.

# Temporary Worksite Safety Policies in Response to COVID-19 Pandemic



4. Any shared electronics, including computer monitors, tablets, and the copier control screens must be cleaned with antibacterial or disinfecting wipes. Employees should not use bleach spray or other harsh chemicals on these items.
  - Keyboards, mice, and other plastic items should be cleaned by a Clorox wipe or by spraying bleach solution into a rag and wiping it down. Employees should ensure liquid solution does not drip into the electronics and allow ample time for drying before use.
5. Employees shall also wash their hands upon entry and exit from the building and after using the restroom.
  - Employees are also encouraged to wash their hands regularly while performing their tasks in the City facilities.
6. Employees shall follow the same procedures in reverse when exiting the building.

## **Vehicles and Equipment**

1. Employees shall decontaminate/wipe down assigned vehicles and equipment before and after each use. This includes, but is not limited to door handles, steering wheels, levers, controls, buttons, and the dashboards.

Employees are encouraged to discuss any concerns and questions with their supervisor or Department Head.

# Temporary Worksite Safety Policies in Response to COVID-19 Pandemic



## Temporary Vehicle and Equipment Use Policy

Effective 04/17/2020 – Revised 05/22/2020

The purpose of this temporary policy is to reduce the risk of exposure to COVID-19 while employees complete critical services that require the use of City vehicles and equipment.

1. Only one employee is permitted to occupy a City vehicle at one time, and shall only operate the vehicle or equipment that the employee is assigned, with the following exceptions:
  - a. *Public Safety Personnel are conducting work that requires more than one individual in the vehicle. All employees shall adhere to the Facial Covering (Masks) Policy.*
  - b. *Vehicle Maintenance Repair Transport. In this situation, one person shall occupy the driver's seat and one shall occupy the back seat and both employees shall adhere to the Facial Coverings (Masks) Policy.*
  - c. *Public Works Maintenance Work where current vehicle or equipment inventory does not support isolated use. In this situation, to the extent possible, one person shall occupy the driver's seat and one shall occupy the back seat and both employees shall adhere to the Facial Coverings (Masks) Policy.*
2. If an employee is required to operate machinery or equipment, the employee should make every effort to stay in the equipment or vehicle as much as possible.
3. Employees shall follow the City's [Temporary Decontamination Policy](#) for use of all vehicles and equipment.

# Temporary Worksite Safety Policies in Response to COVID-19 Pandemic



## Temporary Facial Covering (Masks) Policy

*Effective 04/17/2020 – Replaced 05/22/2020*

Except as otherwise noted in this policy, the City requires employees to wear a mask or similar face covering (“Mask”) in the workplace during the COVID-19 health crisis until face coverings are no longer recommended by the CDC. Employees should refer to the short [video guide](#) for proper mask use.

### Required Masks

Employees that perform on-site job responsibilities must wear a Mask while they are performing those responsibilities. This policy applies to all employees conducting on-site work, and work-related travel, except under the following circumstances:

- Employee is performing individual, isolated work at their own desk/workstation; or
- Employee is performing individual, isolated outdoor field work and social distancing requirements are maintained at all times; or
- Employee is isolated in a City vehicle; or
- Police department employees involved in the field training program, only while employees are in police vehicles and with their assigned FTO.

The City will provide a simple disposable Mask to employees who are required to wear them under this policy. Per CDC guidelines, employees who are not performing the functions of a healthcare worker or medical first responder shall not be issued surgical masks or N-95 respirators. Employees may also choose to wear their own mask. Employees will be responsible for ensuring that masks meet the standards set forth by the CDC and for the laundering services of their own face masks (see ‘Homemade Masks’ below).

Additionally, under ADA requirements the City will provide reasonable accommodations to individuals who are unable to wear facial coverings.

### Voluntary Masks

Employees who are not required, but prefer to wear a face Mask, may do so as long as the employee is still able to perform the essential functions of their job.

### Homemade Masks

Employees other than healthcare workers or medical first responders may bring their own Masks. Employees who bring their own Masks should consult and follow CDC Guidelines (Appendix A) and CDC Face Covering Do’s and Don’ts (Appendix B). Employees may not use materials that violate the City’s Respectful Workplace policy, including materials that contain offensive pictures or language. Additionally, employees who voluntarily use Masks are encouraged to consult and follow the [CDC guidelines on laundering masks](#) and clothing items.

# Temporary Worksite Safety Policies in Response to COVID-19 Pandemic



## **Personal Protective Equipment (PPE)**

Employees shall continue to follow all current department policies on the use of Masks and Personal Protective Equipment (PPE). This includes, but is not limited to Police, Fire, Public Works, and Golf Maintenance.

# Temporary Worksite Safety Policies in Response to COVID-19 Pandemic



## Temporary Field Inspections Policy

Effective 04/17/2020 – Revised 05/15/2020

The purpose of this Temporary Field Inspections Policy is to ensure the safety and health of City employees while they perform essential field inspections during the COVID-19 health pandemic. Employees identified to perform such responsibilities are listed on the City's Critical Services Determination Table. Under this policy, employees shall follow the procedures outlined below.

1. Employees shall take precautions by using PPE (including masks and gloves) and by following the City's [Temporary Decontamination Policy](#) and the [Temporary Facial Covering Policy](#).
2. To the greatest extent possible on-site field inspections shall be completed through the use of video, live-streamed video (e.g., FaceTime), or review of high-quality pictures submitted by the permit holder.
3. Field inspections shall be conducted only when, in the sole discretion of the City Engineer, Building Official or *Deputy Fire Chief*, all of the following requirements are met:
  - Pictures, video, or other information are not adequate, practical, or available to adequately evaluate site conditions or determine code compliance;
  - The field inspection takes place outside, such as a new construction site, and the employee does not enter a building, construction trailer, or vehicle with another occupant;
  - The employee follows all social distancing requirements related to COVID-19 and recommended by the Centers for Disease Control and Prevention (as amended from time to time);
  - The job site or inspection location is unoccupied by others; and
  - The employee does not enter an occupied or inhabited home.
4. Employees shall follow the City's [Temporary Vehicle and Equipment Use Policy](#).

If any of these conditions are not met, *the Deputy Fire Chief shall determine if an inspection is required due to a life safety hazard*. Additionally, any employee, upon arrival at a job site, may elect not to complete an inspection if they determine the conditions are unsafe, unsanitary, or social distancing protocols have not been or cannot be followed. If an employee determines that an inspection will not take place, the employee shall immediately notify their supervisor and department head.

# Temporary Worksite Safety Policies in Response to COVID-19 Pandemic



## Temporary Public Works On-Site Work Policy

Effective 04/17/2020

The purpose of this Public Works Work-Site Policy is to ensure the safety and health of City employees while they deliver critical services during the COVID-19 health pandemic. Employees identified to perform such responsibilities are listed on the City's Critical Services Determination Table. Under this policy, employees shall follow the procedures outlined below.

1. To the extent possible, only one employee shall perform the required tasks to deliver critical services and perform daily rounds.
2. When two or more employees are required to deliver critical services, the department supervisors may stagger the start and end times of each employee. Additionally, employees shall:
  - Perform only assigned tasks, using only assigned equipment;
  - Follow the City's [Temporary Decontamination Policy](#) and [Temporary Facial Coverings \(Masks\) Policy](#);
  - Follow the City's [Temporary Vehicle and Equipment Use Policy](#);
  - To the extent possible, remain in their assigned vehicle or equipment;
  - Alternate break times and take breaks individually in separate locations; and
  - Report daily time and resources to their division Crew Lead to track in Cartegraph.
    - Maintenance employees who have been assigned an iPad or tablet may use such device to report time and resources.
3. Employees shall follow all social distancing requirements related to COVID-19 and recommended by the Centers for Disease Control and Prevention (as amended from time to time).
4. Staff shall complete their individual timesheets remotely.

# Temporary Worksite Safety Policies in Response to COVID-19 Pandemic



## Temporary City Park and Open Space Monitoring Policy

Effective 04/17/2020

The purpose of this policy is to ensure the health and safety of City employees as they perform critical services and monitor the City's parks and open spaces for public compliance with Executive Order 20-20. Employees identified to perform such responsibilities are listed on the City's Critical Services Determination Table. The City shall schedule employees on a staggered and rotating basis to monitor the City parks and open spaces. Using City vehicles employees will monitor and encourage members of the public to adhere to Emergency Executive Order 20-33 and social distancing recommendations. Employees shall follow the procedures outlined below.

1. Employees shall follow the City's [Temporary Decontamination Policy](#) and [Temporary Facial Coverings \(Masks\) Policy](#).
2. Employees shall follow the City's [Temporary Vehicles and Equipment Use Policy](#).
  - In the event that the employees' assigned vehicle is inoperable, the employee should notify their supervisor and pick out a new vehicle (adhering to decontamination procedures).
3. Public Safety (763-593-8079) shall be notified of the Park Monitoring staff on duty.
4. Employees shall perform rounds on throughout the City, monitoring City parks and open spaces for the following occurrences:
  - Individuals using playground equipment; or
  - Groups of 10 or more individuals engaging in activity that is inconsistent with social distancing practices.
5. Employees shall follow all social distancing requirements related to COVID-19 and recommended by the Centers for Disease Control and Prevention (as amended from time to time).
6. If an employee encounters any person(s) engaging in the activities listed above, the employee shall:
  - Maintain a distance of a minimum of six feet from any other person;
  - Communicate the following in a courteous and respectful manner:
    - Inform the individual(s) of Emergency Executive Order 20-33, including the guidance on social distancing;
    - Thank everyone for helping to keep the City safe and healthy; and
    - Point individuals to the City Website for City COVID-19 updates.
7. Under no circumstances should an employee initiate or respond to any conflict with any person(s).
  - If any employee feels uncomfortable, or encounters individuals who are hostile, the employee should remain calm, immediately remove themselves from the situation, and if necessary, employees may contact the Golden Valley Police department (763-593-8079).

## Temporary Worksite Safety Policies in Response to COVID-19 Pandemic



8. Employees shall keep a log of any contact with members of the public and turn the log in to Public Safety at the conclusion of their shift.
9. Employees shall not allow anyone to access to City vehicles or offer a ride.
10. Upon completion of their shift, the employee shall follow closing procedures.

# Temporary Worksite Safety Policies in Response to COVID-19 Pandemic



## Temporary Golf Course Maintenance Policy

Effective 04/17/2020

The purpose of this policy is to ensure the health and safety of City employees performing essential functions for Golf Course Maintenance. Employees identified to perform such responsibilities are listed on the City's Critical Services Determination Table. Employees shall follow the procedures outlined below.

1. To the extent possible, only one employee shall perform the required tasks to deliver critical services and perform maintenance duties.
2. When two or more employees are required to deliver critical services, the department supervisors may stagger the start and end times of each employee. Additionally, employees shall:
  - Perform only assigned tasks, using only assigned equipment;
  - Follow the City's [Temporary Decontamination Policy](#) and [Temporary Facial Coverings \(Masks\) Policy](#);
  - Follow the City's [Temporary Vehicle and Equipment Use Policy](#);
  - To the extent possible, remain in their assigned vehicle or equipment; and
  - Alternate break times and take breaks individually in separate locations.
3. Employees shall follow all social distancing requirements related to COVID-19 and recommended by the Centers for Disease Control and Prevention (as amended from time to time).

# Temporary Worksite Safety Policies in Response to COVID-19 Pandemic



## Temporary Golf Course Operations Policy

Effective 04/17/2020 – Revised 04/22/2020 – Revised 05/22/2020

The purpose of this policy is ensure the health and safety of the City employees performing essential functions operating the City's golf course allowable under Emergency Executive Order 20-38. Employees identified to perform such responsibilities are listed on the City's Critical Services Determination Table. Employees shall follow the procedures outlined below.

1. Employees shall follow the [City's Temporary Decontamination Policy](#) and [Temporary Facial Coverings \(Masks\) Policy](#).
2. Upon entry to the building employees shall initiate regular operations opening procedures.
3. Employees shall follow the [City's Temporary Vehicles and Equipment Use Policy](#).
  - In the event that the employees' assigned vehicle is inoperable, the employee should notify their supervisor and pick out a new cart (adhering to decontamination procedures).
4. Employees shall perform responsibilities in the following areas:
  - *Driving range;*
  - *Par 3;*
  - Golf shop;
  - Golf course monitoring; and
  - Facilities cleaning
5. Upon completion of their shift, the employee shall follow regular operations closing procedures.

### Driving Range & Equipment Responsibilities

Employees shall staff the driving range to monitor for proper usage. Employees shall also wear appropriate protective equipment to collect golf balls and sanitize the balls, ball basket, and the driving range tee-box after each use. Employees should refer to the Decontamination Policy for cleaning procedures.

Employees responsible for driving range duties shall also be responsible for the rental, storage, and decontamination of all rented equipment. The following equipment is available for rent:

- Powered golf carts
- Push carts

Staff shall take the following steps when renting equipment:

- *Employees may accept payment for equipment rental by credit card payments over the phone or at the window.*
  - *A credit-card machine shall be located on the outside of the driving range*

# Temporary Worksite Safety Policies in Response to COVID-19 Pandemic



- building Plexiglas.*
- *Staff shall not at any time touch a customer's credit card.*
- *Employees will use the check presenter to transport the customer's receipt through the Plexiglas.*
- *The customer shall return the signed receipt and place used pen in the designated "dirty bin."*
- *Employees will collect the dirty bin to decontaminate the used pens and check presenters after each use.*
- All equipment shall be decontaminated before and after each patron use following the City's [Temporary Decontamination Policy](#).
- Before assigning equipment to a patron, staff shall inform the patron that golfers not from the same household may not share equipment, including golf carts.
- Rented equipment shall be collected at the designated drop off zone, which shall be marked with barricades and signage.

## Par 3 Responsibilities

*Employees shall staff the Par 3 Building to receive incoming calls and process reservations. Employees will take credit card payments over the phone and at the window. The Par 3 building shall be staffed by one person during regular business hours.*

- 1. A credit-card machine shall be located on the outside of Plexiglas.*
- 2. Staff shall not at any time touch a customer's credit card.*
- 3. Employees will use the check presenter to transport the customer's receipt through the Plexiglas.*
- 4. The customer shall return the signed receipt and place used pen in the designated "dirty bin."*
- 5. Employees will collect the dirty bin to decontaminate the used pens and check presenters after each use.*

## Golf Shop Responsibilities

Employees shall staff the desk at the pro shop to receive incoming calls and process reservations. Employees will take credit card payments over the phone. No in-person reservations may be accepted, nor shall staff accept any cash payments.

## Golf Course Monitoring Duties

Employees shall be scheduled to operate a golf cart and perform golf course monitoring duties. During these monitoring duties, employees shall continually inspect for the following:

- Proper signage displays and replace any that may be damaged;
- Proper placement of flag sticks;
- Social distancing measures, including black "x's" are preserved; and
- Golfers are starting at the appropriate tee-times.

# Temporary Worksite Safety Policies in Response to COVID-19 Pandemic



Additionally, employees shall ensure that individuals are following golf course etiquette and established “golfing during COVID-19” requirements. If an employee encounters an individual or group of individuals using the golf course improperly, the employee shall:

- maintain a distance of a minimum of six feet from any other person; and
- remind individual(s) of the expectations

If any person(s) does not cooperate or respond, the employee shall contact a supervisor and if necessary, contact the Golden Valley Police department (763-593-8079).

## **Disinfecting Facilities**

The employees scheduled to work will be responsible for ensuring that the City public-facing restroom facilities, including portable toilets, are appropriately supplied with handwashing supplies and cleaned regularly.

Employees shall follow the [CDC’s Recommendations on Disinfecting Facilities](#). Employees will also ensure that proper signage is displayed and replace signs any that may be damaged.

The Parks & Recreation Director shall arrange for all facilities to be cleaned and disinfected according to the procedures and requirements detailed in the City’s Continuity of Operations Plan, CDC Recommendations on Disinfecting Facilities, and any other requirements of the Federal Government or State of Minnesota.

# Temporary Worksite Safety Policies in Response to COVID-19 Pandemic



## Temporary Restaurant Operations Policy

Effective 04/30/2020

The purpose of this policy is ensure the health and safety of the City employees performing essential functions operating the City's restaurant as allowable under Emergency Executive Order 20-04. Employees identified to perform such responsibilities are listed on the City's Critical Services Determination Table. Employees shall follow the procedures outlined below.

1. Employees shall follow the [City's Temporary Decontamination Policy](#) and [Temporary Facial Coverings \(Masks\) Policy](#).
  - Employees shall contact their supervisor for procedures of laundering masks.
2. Upon entry to the building employees shall initiate regular operations opening procedures.
3. Employees shall follow the City's Temporary Vehicles and Equipment Use Policy.
4. Employees shall perform responsibilities in the following areas:
  - Kitchen Responsibilities;
  - Front of House Responsibilities; and
  - Facilities cleaning
5. Maintain social distancing of a minimum of six feet at all times practical.
  - If social distancing cannot be maintained, employees must follow the City's [Temporary Facial Coverings \(Masks\) Policy](#).
6. Upon completion of their shift, the employee shall follow regular operations closing procedures.

### **Kitchen Responsibilities**

Employees shall prepare food listed on the limited menu set by the Restaurant and Catering Manager. Employees shall follow normal operating food safety and sanitization regulations. Additionally, all employees must:

- Wear gloves while preparing and packaging food,
- Package and deliver food in "food-safe, one-time use, to-go containers."
- Once prepared, food orders shall be placed on the warming shelf.

### **Front of House Responsibilities**

Employees shall sit near the Three One Six service window to answer phone calls and take to-go food orders. Employees shall take the following steps to accept payments and deliver food orders to customers:

- Employees shall only use the Three One Six service window, and shall only open the window upon guest arrival and stay behind the Plexiglas barrier on the window.
- Employees shall take payment at the window using credit card only. No cash payments will be accepted.
- A credit-card machine shall be located on the outside counter.
- Staff shall not at any time touch a customer's credit card.
- Employees will use the designated "clean bin" to transport the customer's receipt and a pen through the window.
- The customer shall place the signed receipt and used pen in the designated "dirty bin."
- Employees will collect the dirty bin to decontaminate the used pens and file the

# Temporary Worksite Safety Policies in Response to COVID-19 Pandemic



receipts.

- Employees shall pick up the prepared orders that have been placed on the warming shelf.
- Employee should wear gloves when handling and delivering products to customers.
- Employees may only sell alcoholic beverages to guests if all of the following rules are followed:
  - Only the purchase of wine, beer, cider, or seltzer is authorized; and
  - All alcohol must be unopened; and
  - Alcohol may only be purchased with the purchase of a to-go food item; and
  - Only six cans of beer, cider, or seltzer or one bottle of wine is permitted per guest; and
  - Purchaser has provided valid identification and has legal ability to purchase alcohol.
- Employees must instruct the customer to remove their identification from any case, and show the employee both sides of the ID.
  - The employee should not touch the customer's identification unless the identification is faded, or severely damaged.
  - If an ID requires further inspection, the employee should use gloves to accept the ID, and use sanitizer immediately upon returning the customer's ID.
- Employees should verbally inform guests that all food and beverage orders must be taken off premises.

## Facilities and Equipment Cleaning

At the conclusion of each shift the employee is responsible for decontamination and sterilization of proper equipment and the Three One Six Bar + Grill facility.

### Kitchen Cleaning

- All cooking equipment, utensils, and containers;
- All cooking and preparation counters;
- Prep station cutting boards, cupboard doors and handles;
- Walk-in cooler doors and handles;
- All sinks, faucets, knobs, and basins.

### Front of House Cleaning

- All high-touch materials, including workstations, including desks, counter spaces, POS, phones;
- Cooler doors and handles;
- Indoor and outdoor door handles;
- Outdoor counter, Plexiglas, shelf, and window (on service window area);
- Pens, paper, any other materials used frequently.

# Temporary Worksite Safety Policies in Response to COVID-19 Pandemic



## Temporary Motor Vehicle License Operations Policy

Effective 05/14/2020

The purpose of this policy is ensure the health and safety of the City employees performing essential functions conducting auto tab renewals and auto dealership transactions allowable under Emergency Executive Order 20-20. Under this policy only two employees may work in the Motor Vehicle License office at once time. Employees identified to perform such responsibilities are listed on the City's Critical Services Determination Table. Employees shall follow the procedures outlined below.

1. Employees shall follow the [City's Temporary Decontamination Policy](#) and [Temporary Facial Coverings \(Masks\) Policy](#).
  - Employees shall contact their supervisor for procedures of laundering masks.
2. Employees shall enter and exit only through the back DMV door.
3. Employee shall perform only assigned work responsibilities:
  - Dealership work; or
  - Drop box tab renewal
4. Employees may use the breakroom located within the Motor Vehicle License offices to keep their lunches. Employees shall follow decontamination policies when retrieving their lunches and shall eat at their desks.
  - The City Hall employee breakroom is closed at this time.
  - Employees are encouraged to wash their hands before and after eating.
5. Employees shall use the restrooms located in the hallway in between the MVL Office and Physical Development department.
  - Employees should use bleach spray to wipe down any surfaces that they contact.

### Dealership Work

1. The employee processing dealership work shall process all dealership work at their desk.
2. The employee shall use paper towel and bleach spray to lightly decontaminate all of the envelopes before removing their gloves.
3. Employees may remove gloves to perform dealership work at their desk.
4. Employees shall process payments at the counter using only the assigned point of sale terminal and assigned office supplies.
5. Employees shall select license plates and stickers from cabinets while maintaining social distancing measures from all other employees.
6. The employee shall then place dealer work in an envelope and contact the dealer to schedule a pick-up time.
7. Upon arrival, the employee shall wear a mask and gloves and meet the dealer at the back door.

### Drop Box Tab Renewal

1. Upon arrival, the employee assigned to tab renewals shall complete decontamination procedures and use gloves retrieve tab renewal requests from the drop box.

# Temporary Worksite Safety Policies in Response to COVID-19 Pandemic



2. The employee shall bring all tab renewal requests to their desk for completion.
3. The employee shall use paper towel and bleach spray to lightly decontaminate all of the envelopes before removing their gloves.
4. Employees may remove gloves to perform tab renewal work at their desk.
5. Employees shall process payments at the counter using only the assigned point of sale terminal and assigned office supplies.
6. Employees shall select license plates and stickers from cabinets while maintaining social distancing measures from all other employees.
7. The employee shall then place tab renewal in an envelope.
8. Once all tab renewals are complete, the employee shall use the stairway to the second floor general services office to stamp all of the envelopes.
  - Employees unable to use the staircase due to a disability or medical condition may request a reasonable accommodation from the City.
  - The employee shall carefully follow decontamination procedures by wiping each doorknob and piece of equipment.
9. At the conclusion of the employees shift, the employee shall follow exit decontamination procedures and use their vehicle to drop off the stamped envelopes at the City of Golden Valley United States Postal Office.

# Temporary Worksite Safety Policies in Response to COVID-19 Pandemic



## Temporary Fire Department Training Policy

Effective 5/29/2020

The purpose of this Temporary Fire Department Training Policy is to ensure the safety and health of City employees while they perform essential training during the COVID-19 health pandemic. Employees identified to perform such training are all full time and Paid on Call firefighters. Under this policy, employees shall follow the procedures outlined below.

To the greatest extent possible, training will be conducted remotely. Training sessions that cannot be sufficiently completed remotely shall be conducted in-person and employees shall follow the procedures below. Additionally, all firefighters are required to follow the City's Temporary Employment policies.

1. Before reporting to work or training, employees shall complete the health screening procedures under the City's Symptoms and Screening and Policy.
2. While at work or training, employees shall continue to follow all City of Golden Valley policies and the following temporary City policies:
  - The Facility Use and Employee Workstation Decontamination Policy.
  - The Hygiene and Respiratory Etiquette Policy.
  - The City's Temporary Facial Covering Policy, unless circumstances or training require the use of other PPE. Additionally, employees shall use additional PPE whenever directed to do so by their supervisor or training officer in charge.
  - The City's Facility, Vehicle, and Equipment Use Policy.
3. The following procedures shall apply to all in-person training:
  - Firefighters shall sign up for a training session using Aladtec in advance for training. No Firefighter shall attend a training without having first received approval to attend the training on Aladtec.
  - Training will be facilitated in groups of no larger than 10 people (including trainees and trainers).
  - Prior to the scheduled training each group will be given instructions regarding where to meet.
    - Firefighters should not gather before or after the training session for any reason.
  - To the greatest extent possible, all training will be held outdoors, but may be held indoors when necessary.
  - During training, employees shall maintain social distancing whenever possible.
    - When social distancing cannot be maintained because of space limitations or because of the nature of the training, employees shall wear facial coverings (as required by the Temporary Facial Covering Policy) and employees shall wear gloves if they touch other individuals or shared equipment.

# Temporary Worksite Safety Policies in Response to COVID-19 Pandemic



## 4. West Suburban Fire Academy (“WSFA”)

The WSFA is a collaboration among various fire departments with different internal COVID-19 policies. In order to keep all participants in the WSFA safe and meet the requirements of all of its participating cities, the participants created the WSDA COVID-19 Mitigation Plan attached hereto as Exhibit A. When employees report to trainings hosted by the WSFA, the following policies shall apply:

- Employees shall follow the Health Screening Requirements in the WSFA COVID-19 Mitigation Plan (the “WSFA Plan”).
- Time spent waiting for the health screening should be recorded as time worked for nonexempt employees.
- Except for the Health Screening Requirements, wherever the WSFA Plan does not address a topic covered in this Policy or conflicts with this policy, employees shall follow this policy.

# Temporary Worksite Safety Policies in Response to COVID-19 Pandemic



## Appendix A: CDC Guidelines Use of Cloth Face Coverings to Help Slow the Spread of COVID-19

## Use of Cloth Face Coverings to Help Slow the Spread of COVID-19

### How to Wear Cloth Face Coverings

Cloth face coverings should—

- fit snugly but comfortably against the side of the face
- be secured with ties or ear loops
- include multiple layers of fabric
- allow for breathing without restriction
- be able to be laundered and machine dried without damage or change to shape

### CDC on Homemade Cloth Face Coverings

CDC recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies), **especially** in areas of significant community-based transmission.

CDC also advises the use of simple cloth face coverings to slow the spread of the virus and help people who may have the virus and do not know it from transmitting it to others. Cloth face coverings fashioned from household items or made at home from common materials at low cost can be used as an additional, voluntary public health measure.

Cloth face coverings should not be placed on young children under age 2, anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the cloth face covering without assistance.

The cloth face coverings recommended are not surgical masks or N-95 respirators. Those are critical supplies that must continue to be reserved for healthcare workers and other medical first responders, as recommended by current CDC guidance.

### Should cloth face coverings be washed or otherwise cleaned regularly? How regularly?

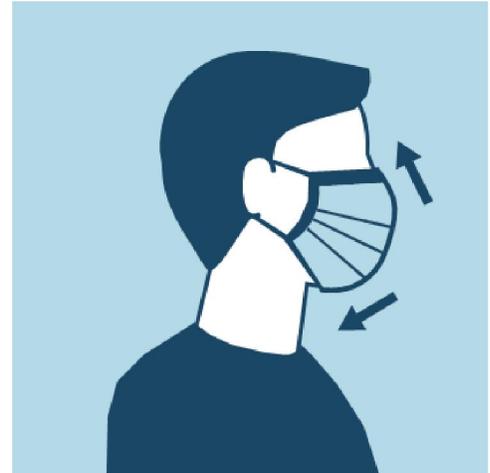
Yes. They should be routinely washed depending on the frequency of use.

### How does one safely sterilize/clean a cloth face covering?

A washing machine should suffice in properly washing a cloth face covering.

### How does one safely remove a used cloth face covering?

Individuals should be careful not to touch their eyes, nose, and mouth when removing their cloth face covering and wash hands immediately after removing.



# Temporary Worksite Safety Policies in Response to COVID-19 Pandemic

## Sewn Cloth Face Covering

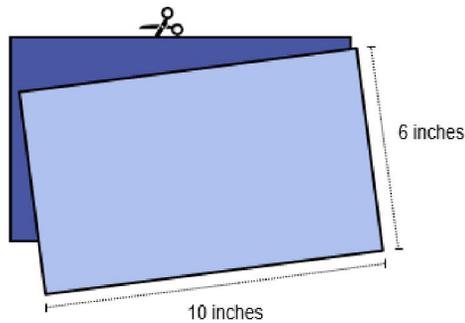
### Materials

- Two 10"x6" rectangles of cotton fabric
- Two 6" pieces of elastic (or rubber bands, string, cloth strips, or hairties)
- Needle and thread (or bobby pin)
- Scissors
- Sewing machine

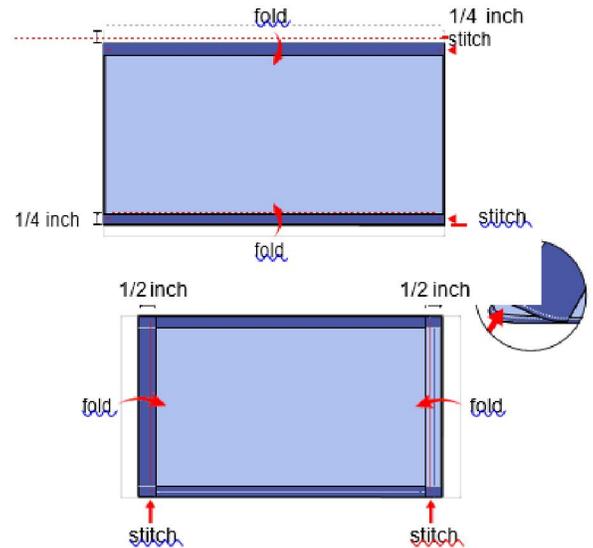


### Tutorial

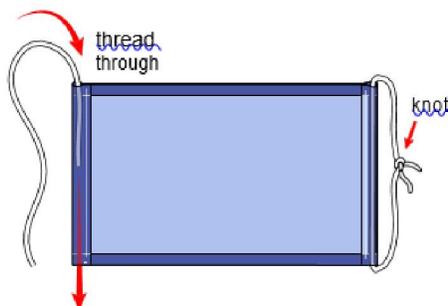
1. Cut out two 10-by-6-inch rectangles of cotton fabric. Use tightly woven cotton, such as quilting fabric or cotton sheets. T-shirt fabric will work in a pinch. Stack the two rectangles; you will sew the cloth face covering as if it was a single piece of fabric.



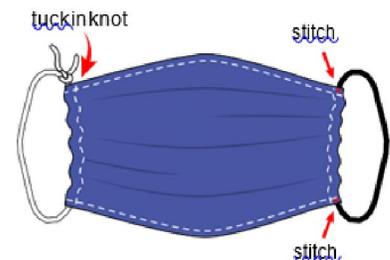
2. Fold over the long sides 1/4 inch and hem. Then fold the double layer of fabric over 1/2 inch along the short sides.



3. Run a 6-inch length of 1/8-inch wide elastic through the wider hem on each side of the cloth face covering. These will be the ear loops. Use a large needle or a bobby pin to thread it through. Tie the ends tight. Don't have elastic? Use hair ties or elastic head bands. If you only have string, you can make the ties longer and tie the cloth face covering behind your head.



4. Gently pull on the elastic so that the knots are tucked inside the hem. Gather the sides of the cloth face covering on the elastic and adjust so the cloth face covering fits your face. Then securely stitch the elastic in place to keep it from slipping.



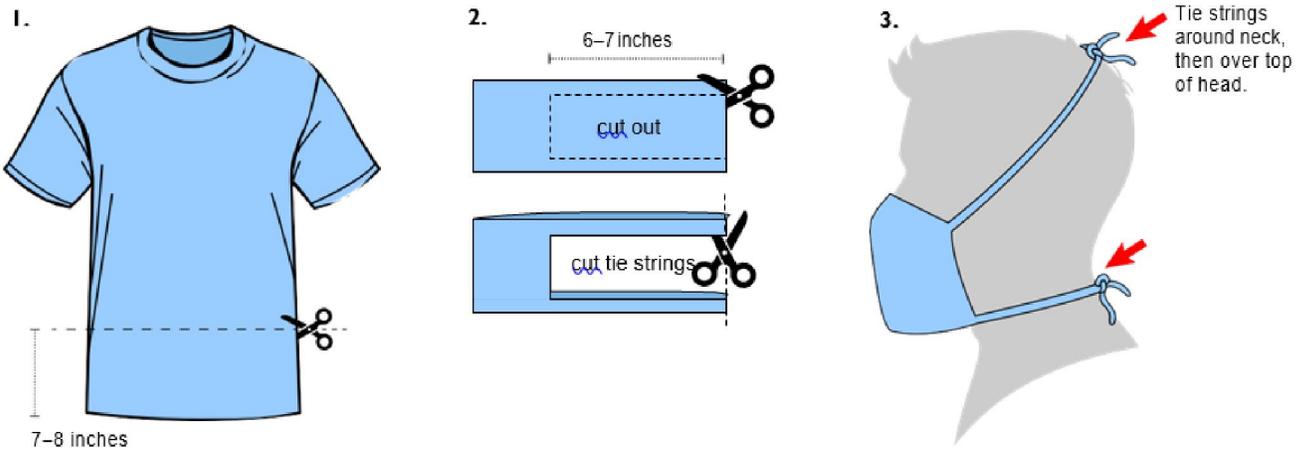
# Temporary Worksite Safety Policies in Response to COVID-19 Pandemic

## Quick Cut T-shirt Cloth Face Covering (no sew method)

### Materials

- T-shirt
- Scissors

### Tutorial

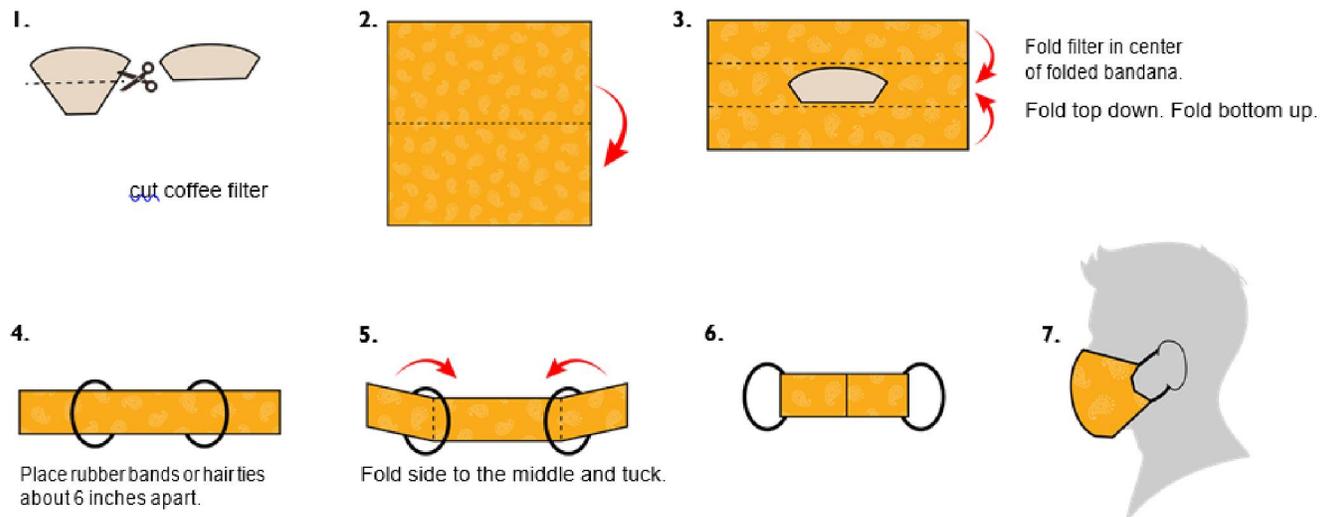


## Bandana Cloth Face Covering (no sew method)

### Materials

- Bandana (or square cotton cloth approximately 20"x20")
- Coffee filter
- Rubber bands (or hair ties)
- Scissors (if you are cutting your own cloth)

### Tutorial



Appendix B: Face Covering Do's and Don'ts

## Face Covering Do's and Don'ts:

### DO:



- ✓ Make sure you can breathe through it
- ✓ Wear it whenever going out in public
- ✓ Make sure it covers your nose and mouth
- ✓ Wash after using

### DON'T:

- ✗ Use if under two years old
- ✗ Use surgical masks or other PPE intended for healthcare workers



[cdc.gov/coronavirus](https://cdc.gov/coronavirus)

**EMERGENCY ADMINISTRATIVE ACTION 20-49  
APPROVING TEMPORARY OUTDOOR SERVICE PERMITS  
AND AMENDMENTS TO LIQUOR LICENSES RELATING  
TO TEMPORARY OUTDOOR SERVICE**

Pursuant to Mayoral Proclamation and Council Resolution, effective March 17, 2020, and City Council Resolution 20-31, the City Manager of the City of Golden Valley administratively issued the following Temporary Outdoor Service Permits and Liquor License Amendments:

- Schuller's (Temporary Outdoor Service Permit & Liquor License Amendment)
- Lat 14 (Temporary Outdoor Service Permit & Liquor License Amendment)
- Under Pressure Brewing (Temporary Outdoor Service Permit & Liquor License Amendment)

Pursuant to the requirements of the Resolution 20-31, the City Manager recommends that the City Council ratify the above listed Temporary Outdoor Service Permits and Liquor License Amendments.



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Date: May 29, 2020

Timothy J. Cruikshank, City Manager



# Temporary Outdoor Service Area Permit

## General Information

Name of business ("Permittee")  
 Schuller's Tavern

Business address  
 7345 Country Club Dr Golden Valley, MN 55427

## Planning & Inspections Approval

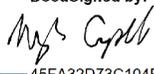
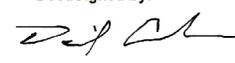
This Permittee listed above is authorized to temporarily conduct its businesses in the outdoor service area at the address listed above and depicted on the attached Exhibit A (the "Temporary Outdoor Service Area"). All accessible routes, table spacing, and barriers depicted in Exhibit A shall remain in place for the duration of this permit. Exhibit A may be amended with written approval of the City Manager.

Upon review, the City deems the permit application and associated materials to be complete and sets the following additional conditions:

\_\_\_\_\_

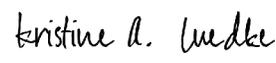
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DocuSigned by: Insp  X 404CE6861CA94B8...	Date 5/30/20

## Liquor License Amendment Approval

This approval constitutes a temporary amendment to the City of Golden Valley Liquor License listed below (the "Liquor License") to allow Permittee to serve and sell alcohol in the Temporary Outdoor Service Area. Other than extending the Permittee's licensed premises, this approval does not waive or modify any other terms, conditions, or requirements of the Liquor License. Permittee shall maintain liquor liability insurance covering the entire licensed premises, including the Temporary Outdoor Service Area, in force for the duration of this temporary permit. Any violations of Federal, State, or City regulations in the Temporary Outdoor Service Area may result in revocation of this temporary amendment to Permittee's liquor license, or in civil or criminal penalties against Permittee or their license.

Liquor license holder Schuller's Tavern	City of Golden Valley Liquor License No. 11213
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→ continued



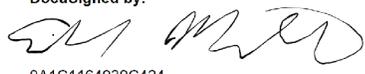
This document is available in alternate formats upon a 72-hour request. Please call 763-593-8006 (TTY: 763-593-3968) to make a request. Examples of alternate formats may include large print, electronic, Braille, audiocassette, etc.



# Temporary Outdoor Service Area Permit

## Other Required Approvals

This outdoor service area will include a tent structure that has been reviewed and permitted by the City's Fire Department (Tent Permit attached)

Fire <b>X</b>	DocuSigned by:  0A1C1164939C424...	Date 5/30/20
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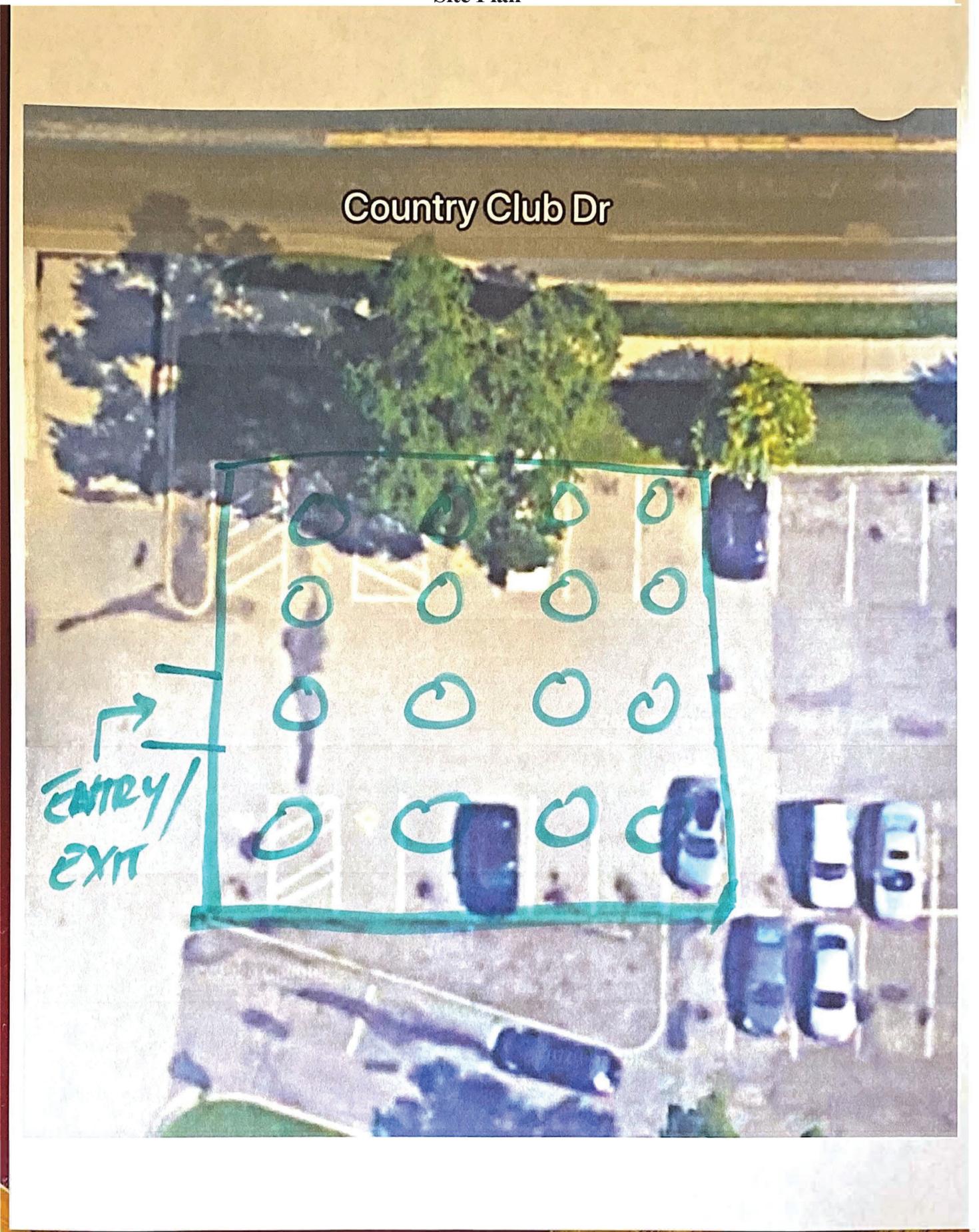
## City Manager Approval

The City Manager hereby approves the temporary permit and, if applicable, Amendment to Liquor License No. 11213. This permit shall be valid beginning on the date below and shall expire Nov 30, 2020, unless earlier terminated by City Manager or City Council action.

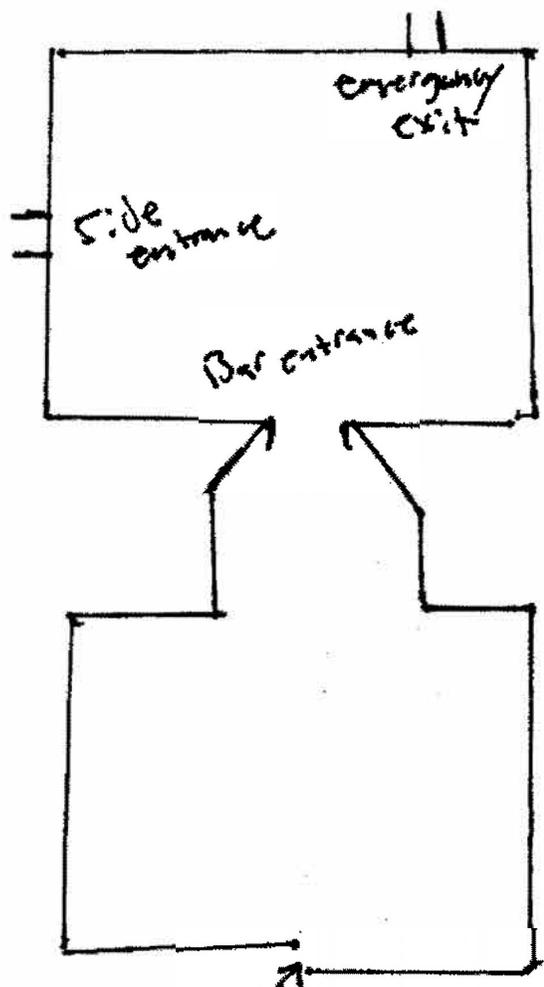
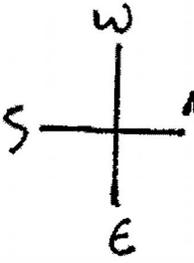
City <b>X</b>	DocuSigned by: <i>Tim Cruikshank</i> AD1B5E12DF104A2...	Date 5/30/20
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# Exhibit A

## Site Plan







Entrance





# Temporary Outdoor Service Area Permit

## General Information

Name of business ("Permittee")  
 Latitude 14 Inc

Business address  
 8815 7th Ave N Golden Valley, MN 55427

## Planning & Inspections Approval

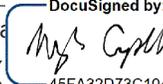
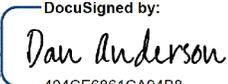
This Permittee listed above is authorized to temporarily conduct its businesses in the outdoor service area at the address listed above and depicted on the attached Exhibit A (the "Temporary Outdoor Service Area"). All accessible routes, table spacing, and barriers depicted in Exhibit A shall remain in place for the duration of this permit. Exhibit A may be amended with written approval of the City Manager.

Upon review, the City deems the permit application and associated materials to be complete and sets the following additional conditions:

\_\_\_\_\_

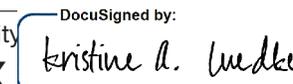
\_\_\_\_\_

\_\_\_\_\_

DocuSigned by: Pla  X 45FA32D73C104B1...	Date 5/29/20
DocuSigned by: In  X 404CE6861CA94B8...	Date 5/29/20

## Liquor License Amendment Approval

This approval constitutes a temporary amendment to the City of Golden Valley Liquor License listed below (the "Liquor License") to allow Permittee to serve and sell alcohol in the Temporary Outdoor Service Area. Other than extending the Permittee's licensed premises, this approval does not waive or modify any other terms, conditions, or requirements of the Liquor License. Permittee shall maintain liquor liability insurance covering the entire licensed premises, including the Temporary Outdoor Service Area, in force for the duration of this temporary permit. Any violations of Federal, State, or City regulations in the Temporary Outdoor Service Area may result in revocation of this temporary amendment to Permittee's liquor license, or in civil or criminal penalties against Permittee or their license.

Liquor license holder Latitude 14 Inc.	City of Golden Valley Liquor License No. 11233
DocuSigned by: City  X B834ED4A036A4B2...	Date 5/29/20

→ continued



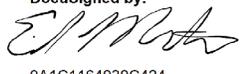
This document is available in alternate formats upon a 72-hour request. Please call 763-593-8006 (TTY: 763-593-3968) to make a request. Examples of alternate formats may include large print, electronic, Braille, audiocassette, etc.



# Temporary Outdoor Service Area Permit

## Other Required Approvals

This outdoor service area will include a tent structure that has been reviewed and permitted by the City's Fire Department (Tent Permit attached)

Fire X	DocuSigned by: 	Date 5/29/20
	0A1C1164939C424...	

## City Manager Approval

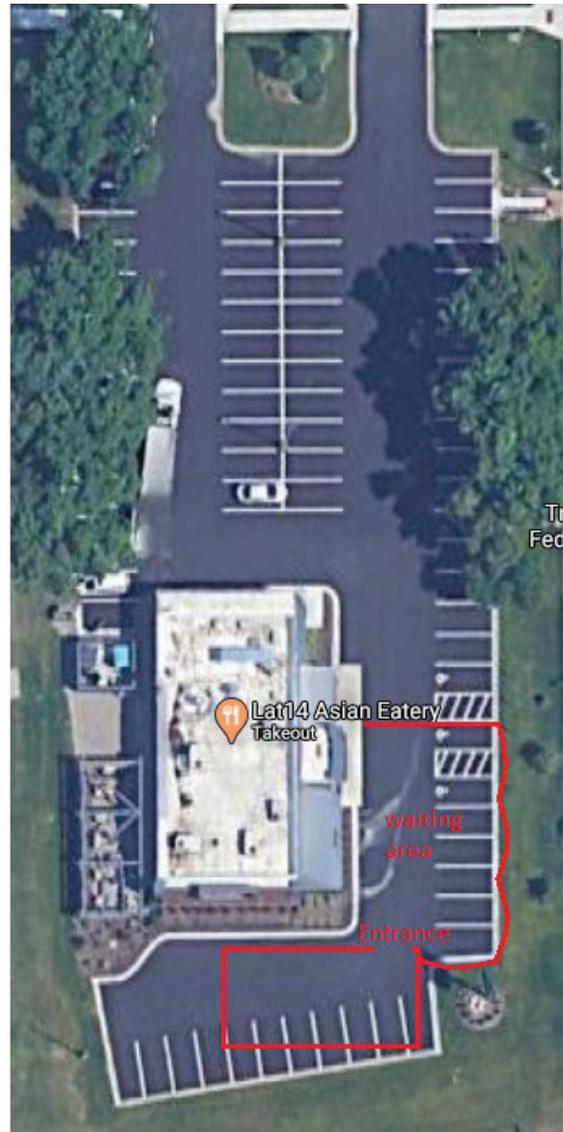
The City Manager hereby approves the temporary permit and, if applicable, Amendment to Liquor License No. 11233. This permit shall be valid beginning on the date below and shall expire Nov 30, 2020, unless earlier terminated by City Manager or City Council action.

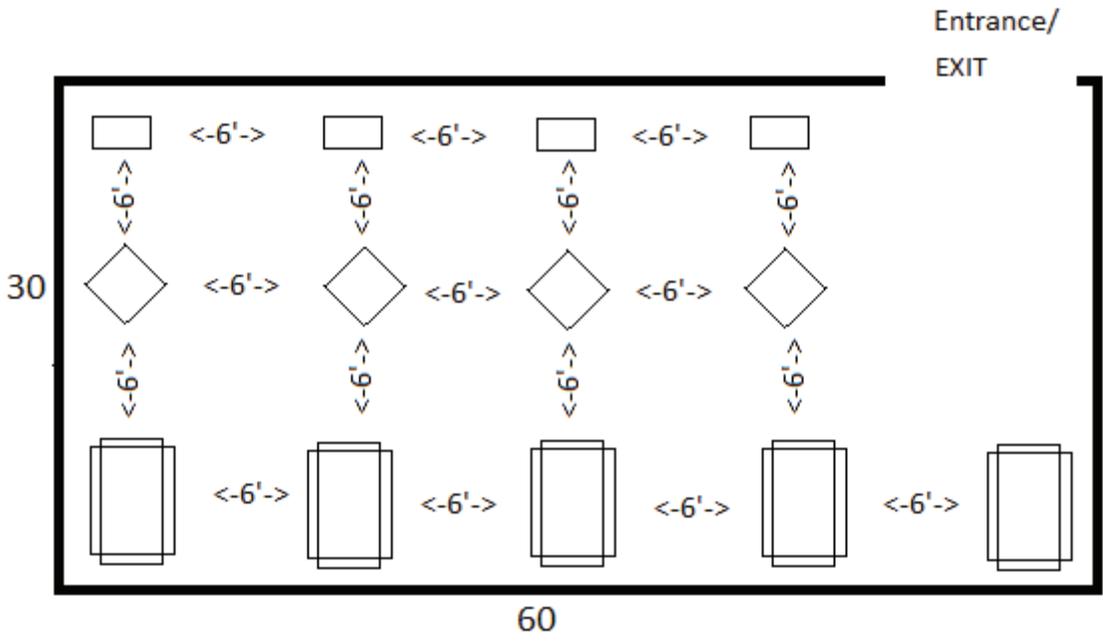
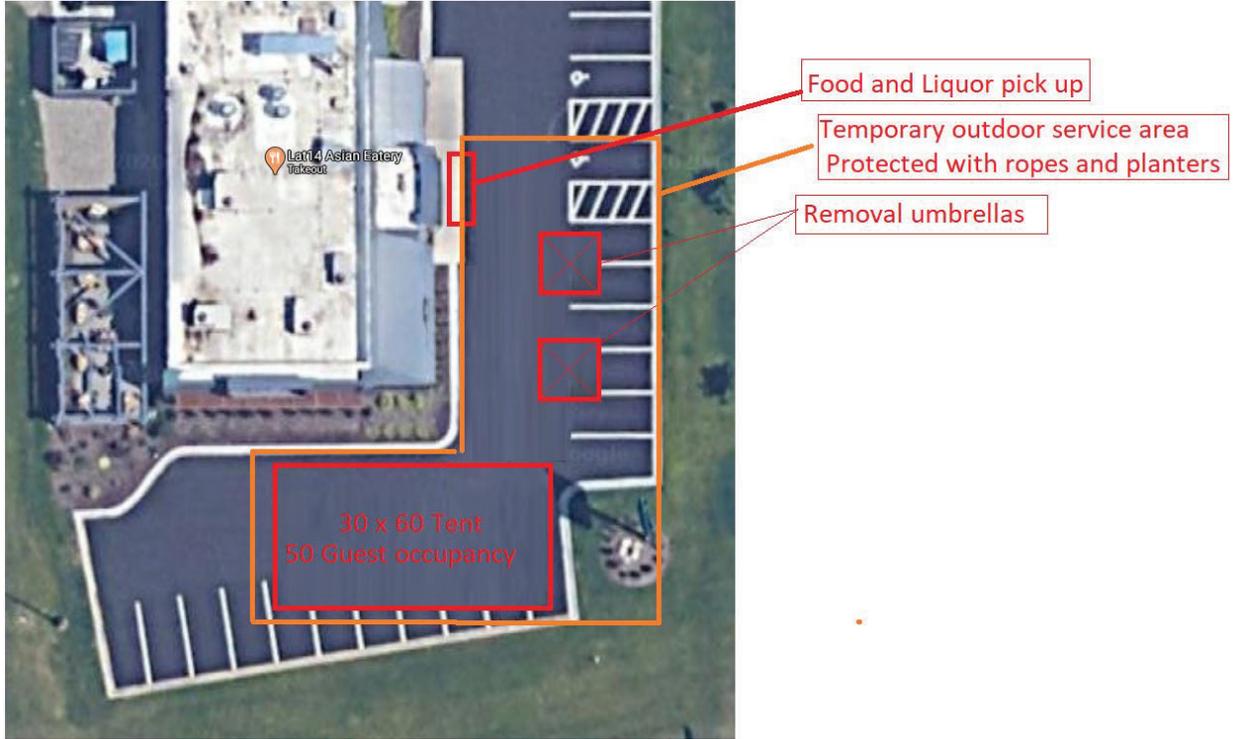
City X	DocuSigned by: 	Date 5/29/20
	AD1B5E12DF104A2...	

# Exhibit A

## Site Plan

- Site plan
  - Dimensions of outdoor service area
    - Outdoor seating area 30' x 60' (Tent)
    - Waiting area 70' x 40' (Approximately)
  - Entrance/exit to outdoor service area in relation to building entrance/exit
    - See attached site plan
  - Dimensioned diagram of seating area with seating plan and number of people that can be accommodated
    - See attached seating plan.
    - Total occupancy 50 guests
  - Number of parking spaces (total and those occupied by outdoor service area)
    - Total 74 parking spaces, 18 spaces will be occupied by the outdoor service area and 56 spaces available.





- Proposal narrative
  - Description of tent to be used (does it have sides? if so, this will provide an adequate barrier to meet liquor license requirements)
    - A freestanding Frame Tent, anchored with 14 – 650 lb concrete weight
    - Protected with ropes and planters
  - Description of the barrier to be used between the pick-up window and the tent (to meet liquor license requirements)
    - Protected with ropes and planters. See site plan.
  - Description of the site parking and circulation plan
    - Lat14 will provide onsite 56 parking spaces including 2 handicap spaces for total 50 guests. We accepted have two turns during dinner service.
- Liquor License
  - Confirm you are the property owner (T&A Properties)
    - Tarique and Ann Ahmed owns both T&A properties and Lat14 Asian Eatery
- COVID-19 Business Preparedness Plan Certification (attached)
  - Sign and return
    - Signed certification attached



# Temporary Outdoor Service Area Permit

## General Information

Name of business ("Permittee")  
 Under Pressure Brewing

Business address  
 8806 7th Ave N

## Planning & Inspections Approval

This Permittee listed above is authorized to temporarily conduct its businesses in the outdoor service area at the address listed above and depicted on the attached Exhibit A (the "Temporary Outdoor Service Area"). All accessible routes, table spacing, and barriers depicted in Exhibit A shall remain in place for the duration of this permit. Exhibit A may be amended with written approval of the City Manager.

Upon review, the City deems the permit application and associated materials to be complete and sets the following additional conditions:

Customers may only order/pick-up alcohol from the bar once upon arrival; subsequent orders must be made from take-out.

DocuSigned by:  
 Planning signature  
 X Jason Zimmerman  
 46D3617EC4B54BB...

Date  
 6/1/20

DocuSigned by:  
 Inspections signature  
 X [Signature]  
 404CE6861CA94B8...

Date  
 6/1/20

## Liquor License Amendment Approval

This approval constitutes a temporary amendment to the City of Golden Valley Liquor License listed below (the "Liquor License") to allow Permittee to serve and sell alcohol in the Temporary Outdoor Service Area. Other than extending the Permittee's licensed premises, this approval does not waive or modify any other terms, conditions, or requirements of the Liquor License. Permittee shall maintain liquor liability insurance covering the entire licensed premises, including the Temporary Outdoor Service Area, in force for the duration of this temporary permit. Any violations of Federal, State, or City regulations in the Temporary Outdoor Service Area may result in revocation of this temporary amendment to Permittee's liquor license, or in civil or criminal penalties against Permittee or their license.

Liquor license holder  
 Under Pressure Brewing LLC

City of Golden Valley Liquor License No.  
 11237

DocuSigned by:  
 City Clerk signature  
 X Kristine D. Wedke  
 B834ED4A036A4B2...

Date  
 6/1/20

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This document is available in alternate formats upon a 72-hour request. Please call 763-593-8006 (TTY: 763-593-3968) to make a request. Examples of alternate formats may include large print, electronic, Braille, audiocassette, etc.



# Temporary Outdoor Service Area Permit

## Other Required Approvals

This outdoor service area will include a tent structure that has been reviewed and permitted by the City's Fire Department (Tent Permit attached)

Fire signature

Date

**X** \_\_\_\_\_

## City Manager Approval

The City Manager hereby approves the temporary permit and, if applicable, Amendment to Liquor License No. 11237. This permit shall be valid beginning on the date below and shall expire Nov 30, 2020, unless earlier terminated by City Manager or City Council action.

DocuSigned by:

City Manager signature

**X**  \_\_\_\_\_  
AD4B5E42DF104A2...

Date

6/1/20

## Under Pressure Brewing Temporary Outdoor Plan

The temporary service area is located on the east side property of 8806 7<sup>th</sup> Ave, Summerhill Commercial Properties, Golden Valley in the private lawn area leased by Under Pressure Brewing. There is a steel door and 5 x 5 cement stoop already in place. The appropriate pitch ramp will also be installed for all patrons to use. The remaining sides of the stoop will be railed. The front veranda by our main door area will also be used. Summerhill's property VP and property manager has given permission for Under Pressure to use both spaces. The veranda adjacent tenant is shutdown for business and has given his permission to Summerhill also. No service doors will be blocked by tables or chairs. There is no signage, parking lot or parking spaces, walkways, vehicles, access points, streets, visibility, intersections, traffic, exits or entrances blocked or impeded. The service areas are on private property.

The side grass area is 13 x 55 (has also been approved by Met Council for our permanent patio area). All patrons will enter through the front taproom door, which faces 7<sup>th</sup> Ave, proceed on the one way barriered walk area, which has designated 6 foot distancing stickers on the floor up to the bar. At the bar have IDs checked, order and pay at the register through a plexi guard, receive their beverages and proceed on a different one way barriered walk way to either the outdoor grass side service area or the front veranda. The veranda is 200 useable square feet with walk area, front door clearance and social distancing parameters subtracted out. All tables are positioned with state mandated social distancing requirements. Everyone will exit back through the front taproom door. Maximum occupancy is 50.

Steel posts and double rope barriers will be in place for both service areas, showing the perimeter controlled areas for alcohol being served and consumed.

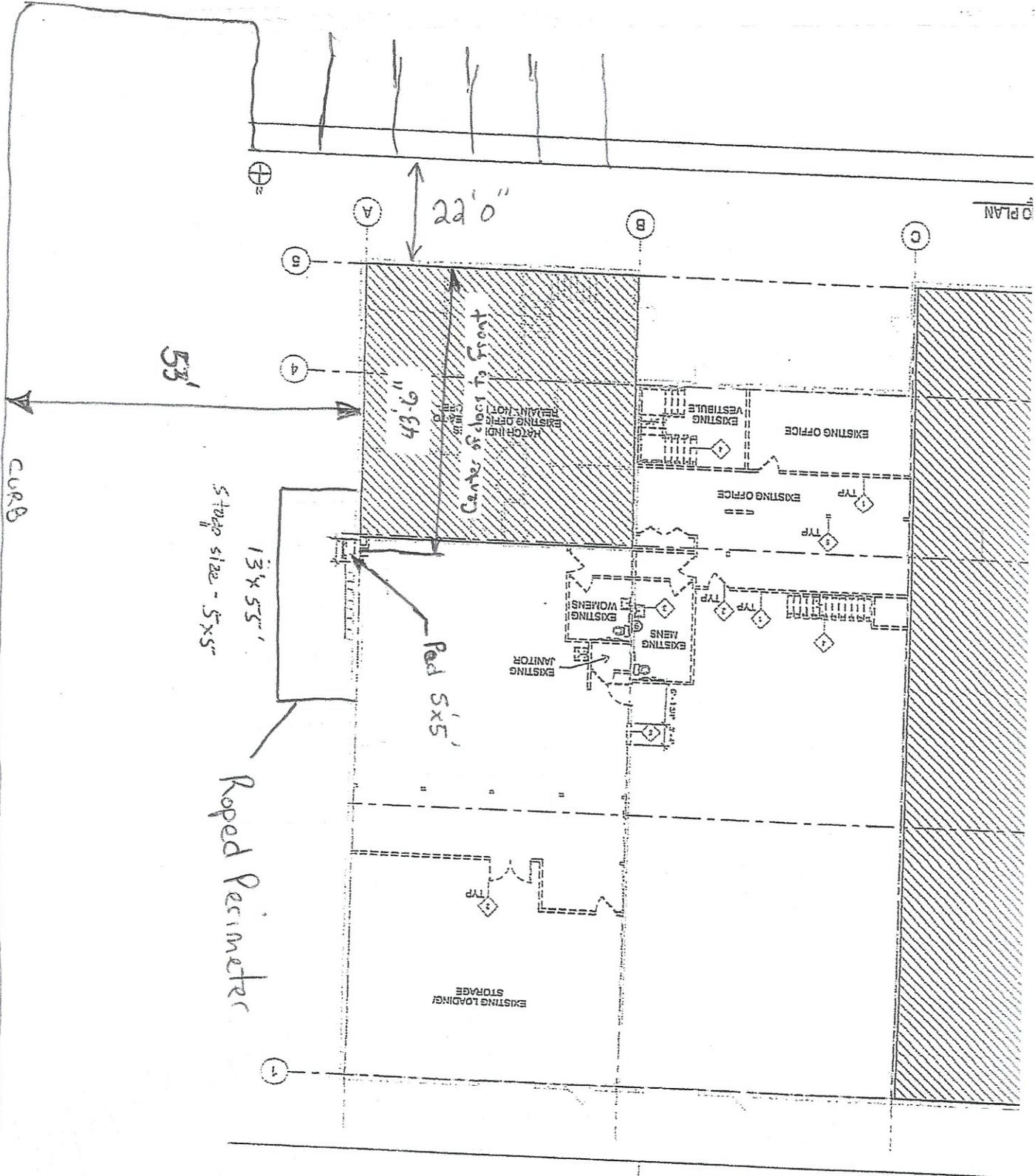
All patrons are asked to bus their own glasses and garbage to keep tables clear and clean for other guests and free of transmittable problems. Tables and grab areas of chairs will be cleaned and sanitized with commercial cleaners. Bathrooms will also be cleaned and sanitized. Garbage cans in bathrooms are positioned by doors for ease of disposing of used hand towels, tissues, etc. as per governing agencies. There is no tent being used at this time.

Our approximate hours of operation are: Mon-Thurs 3-8, Friday 3-9, Sat 1-9, Sun 1-5 Hours may change as we adjust to patron flow, weather conditions and personal needs. With our hours not being early morning or late into the evening there should be no issues with disruption to businesses or neighborhoods, plus being on a secluded side of the building which is leased by only Under Pressure Brewing and being zoned light industrial, there are no close neighborhoods.

We have been in business for over a year now, and have safety and security always in place and on our minds for our community and building. We care and will continue to do so in a sanitary manner. This is not what we were hoping for from the governor, but we are grateful for being healthy and partially open to help us survive. Our hearts go out to all those who have lost a battle to COVID and so extremely grateful for those serving our communities with long hard hours of dedication.

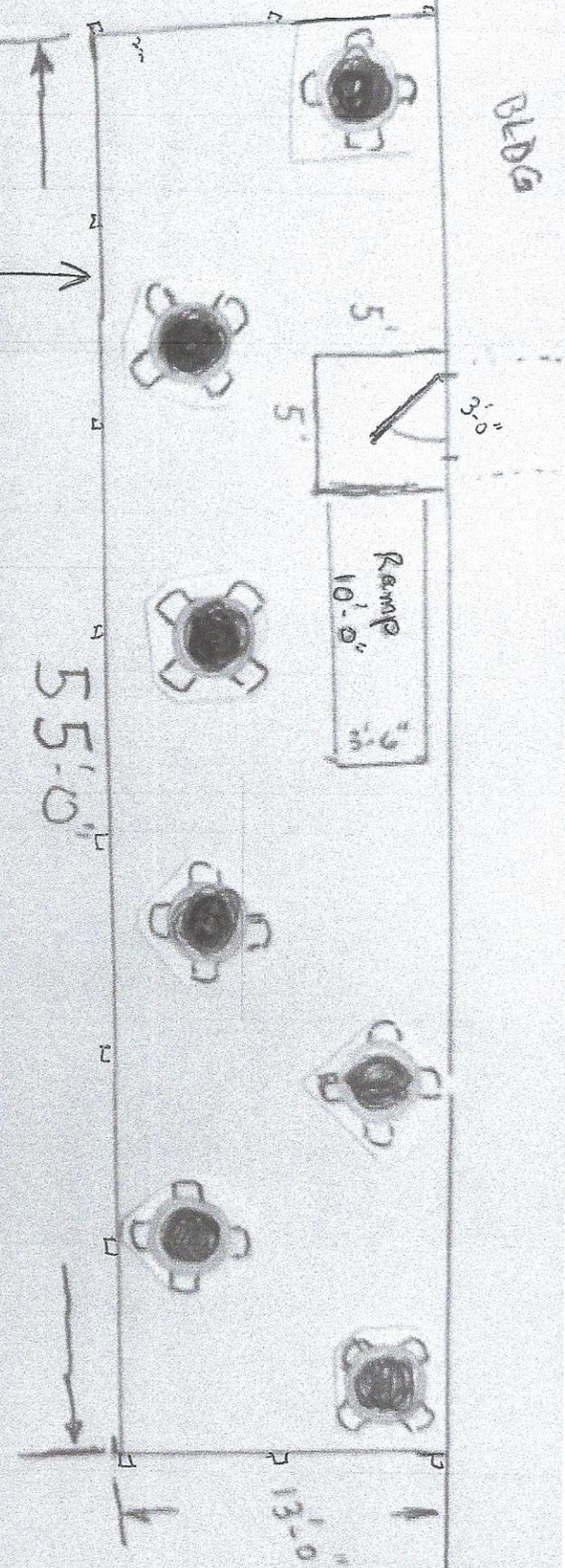
Parking Lot Entrance

Boone Ave



PLAN

40' TO CURB  
Boone Ave



Occupancy - 50 people MAX.

Area Square Footage 715

Actual Area 655

Perimeter: Metal Stakes  
w/ 1/2" Rope - 2 rows  
12" apart



Google Maps

Google Maps



Google

Imagery ©2017 Google, Map data ©2017 Google

200 ft

UPB