

HOPKINS CITY COUNCIL  
EMREGENCY MEETING AGENDA  
Wednesday, May 27, 2020  
4:00 pm

THIS AGENDA IS SUBJECT TO CHANGE  
UNTIL THE START OF THE CITY COUNCIL MEETING

- I. **CALL TO ORDER**
- II. **NEW BUSINESS**
  - 1. Resolution Authorizing the Granting of Regulatory Flexibility to Local Businesses; Mornson
- III. **ADJOURN**

DUE TO THE COVID-19 HEALTH PANDEMIC, THE CITY COUNCIL'S REGULAR MEETING PLACE IS NOT AVAILABLE. PURSUANT TO MINN. STAT. § 13D.021, CITY COUNCIL MEMBERS WILL PARTICIPATE IN THE MEETING REMOTELY VIA GOTOMEETING. THE PUBLIC MAY VIEW THIS MEETING BY WATCHING ON COMCAST CABLE CHANNEL 16 OR BY STREAMING ONLINE AT <http://www.hopkinsmn.com/349/Watch-Meetings-Live-On-Demand>

May 27, 2020



Council Report 2020-039

## **RESOLUTION AUTHORIZING THE GRANTING OF REGULATORY FLEXIBILITY TO LOCAL BUSINESSES**

### **Proposed Action.**

Staff recommends that the Council approve the following motion: Motion to Approve Resolution 2020-031 a Resolution Authorizing the Granting of Regulatory Flexibility to Local Businesses.

### **Overview:**

On May 20, 2020 Governor Walz issued Executive Order 20-56 outlining plans for bars and restaurants to open on June 1 for outdoors services so long as certain conditions, including social distancing, are maintained to prevent the spread of COVID-19. Staff is receiving requests for temporary outdoor seating as part of the order. The attached resolution will allow staff some flexibility in granting temporary outdoor seating areas.

It is anticipated that some on-sale liquor license holders may need to amend their licensed premise. Staff will provide the City Council with any amendments that need approval at the June 2, 2020 City Council Meeting.

### **Primary Issues to Consider:**

- The license holder must provide the city with proof that their liquor liability insurance covers alcohol sales in any expanded outdoor spaces which, under Minnesota law, must be “compact and contiguous” to the main structure.
- The City will need to approve a map of expanded service areas. Note that guidance from the Minnesota Department of Employment and Economic Development (DEED) limits bars and restaurants to 50 guests with reservations for the entire outdoor service area.
- Staff will review consider noise and traffic concerns.
- Local zoning and building codes would apply to any physical expansions such as new or modified patios and decks. This may include the type of materials for fencing/barriers required to have a compact and continuous new space.

### **Supporting Information:**

- Draft Resolution 2020-029
- City of Hopkins Temporary Checklist Items

A handwritten signature in blue ink, appearing to read 'Mike Mornson', with a long horizontal flourish extending to the right.

Mike Mornson, City Manager

**CITY OF HOPKINS, MINNESOTA**

**RESOLUTION NO. 2020-031**

**RESOLUTION AUTHORIZING THE GRANTING OF  
REGULATORY FLEXIBILITY TO LOCAL BUSINESSES**

**WHEREAS**, the President of the United States and the Governor of the State of Minnesota have declared states of emergency as a result of the spread of COVID-19;

**WHEREAS**, on March 16, 2020, the Mayor of the City of Hopkins issued a declaration of local emergency and on March 16, 2020 the City Council acted by resolution to extend the local emergency declaration;

**WHEREAS**, the City Council recognizes this emergency has had a devastating effect on local businesses required to close pursuant to the Governor's orders, particularly restaurants and other businesses that were the last to be allowed to reopen;

**WHEREAS**, businesses are required to have a plan in place to safely reopen to the public that reflects social distancing requirements and complies with limits imposed on the number of customers that may be served at one time;

**WHEREAS**, the Governor's office has encouraged local governments to be creative in working with businesses as they reopen, particularly restaurants who are initially limited to outdoor service only;

**WHEREAS**, in order to support the continued viability of local businesses, maximize the number of customers allowed to access businesses in light of the state's operating restrictions, and to exercise the creativity encouraged by the Governor's office, the City Council determines it is in the best interests of the City to allow the granting of regulatory flexibility as part of an approved plan submitted by each business seeking such flexibility;

**WHEREAS**, it is not practical under the circumstances of this emergency to require businesses to pursue what can be a several month process to seek amendments and other approvals to obtain the flexibility they need now to safely reopen their businesses; and

**WHEREAS**, delegating authority to the City Manager to grant flexibility to local regulations as part of a plan a business submits to the City Manager for approval is the only workable solution for expeditiously providing the assistance local businesses need as they start to reopen and put their employees back to work.

**NOW, THEREFORE, BE IT RESOLVED**, by the Hopkins City Council as follows:

1. The City Manager is hereby delegated the authority to grant, on behalf of the City, flexibility in City regulations as the City Manager determines is appropriate to support the operations of

local businesses as they reopen to the customers and resume operations under the limitations imposed by the Governor's emergency orders. Regulatory flexibility may only be granted as part of a written plan the City Manager approves for a particular business entity.

2. For the purposes of this Resolution, the "regulatory flexibility" the City Manager is authorized to grant includes, but is not limited to, the following:
  - (a) Allow the expansion of the licensed "premises" of a business holding an on-sale liquor license to allow the service and consumption of alcohol in an expanded area identified in the approved plan;
  - (b) Allow the expansion of existing business operations without requiring amendments to existing zoning approvals or new zoning approvals;
  - (c) Allow a business to use adjacent City property for customer seating, the display of its products for sale, or for other similar uses upon entering into a license agreement with the City; and
  - (d) Such other flexibility in the City's regulations and the enforcement of those regulations as the City Manager determines is appropriate under the particular circumstances of the business to reasonably allow it to conduct its business in a manner that maximizes its operations while complying with its plan, the Governor's emergency orders, and applicable guidelines.
3. The City Manager has the discretion to deny any request for regulatory flexibility. If approved, the City Manager shall place such conditions on the approval as the City Manager determines are reasonable under the circumstances. The City Manager is authorized to issue written approvals of regulatory flexibility to execute license agreements on the City's behalf. The City Manager may immediately repeal any approved regulatory flexibility if the City Manager determines the business violated the scope of the regulatory flexibility, any conditions placed on the granted flexibility, or the expanded business operations interfere with public safety or unreasonably obstructs the use of public property.
4. The regulatory flexibility allowed under this Resolution is intended to temporarily allow a business to overcome local regulatory hurdles that interfere with its efforts to implement its plans to reopen and operate in accordance with social distancing and other federal and state safety requirements. This Resolution, and regulatory flexibility granted hereunder, does not exempt a business from:
  - (a) Complying with all applicable federal and state laws, rules, regulations, and emergency orders;
  - (b) Fully implementing its COVID-19 Preparedness Plan;
  - (c) Complying with local regulations not directly related to the regulatory flexibility granted in the plan approved by the City Manager; or

- (d) Immediately returning to full compliance with all applicable local regulations upon the expiration or termination of the regulatory flexibility.
- 5. The authority delegated herein to the City Manager shall take effect immediately and shall continue through October 31, 2020.
- 6. Such approvals granted pursuant to this Resolution shall expire upon a date to be determined by the City Council as it reviews and responds further to the local emergency declaration.
- 7. The City Manager shall submit one or more reports to the City Council identifying the businesses granted regulatory flexibility and the types of flexibility granted, including whether the business entered into a license agreement with the City to utilize City property.

Adopted this 27th day of May, 2020.

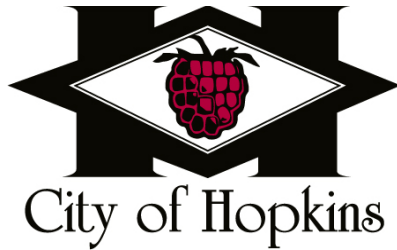
---

Jason Gadd, Mayor

Attest:

---

Amy Domeier, City Clerk



**CITY OF HOPKINS**

**“TEMPORARY CHECKLIST ITEMS”**

**NEEDED BY BARS AND RESTAURANTS TO OPEN JUNE 1<sup>ST</sup>  
FOR OUTDOOR SEATING**

1. Letter or email from Business indicating intent or desire to open outdoor seating service area and sufficient details to understand what is being proposed, signed by the current owner of the property or with verification of ability to use property if not the current property owner.
2. Copy of COVID-19 Business Preparedness Plan.
3. Provide a map showing both the perimeter of the existing and proposed Outdoor Seating area (including dimensions); indication of type of fencing/barrier to be used. Show ingress and egress to seating area.
4. Verification that the outdoor seating area is “compact and contiguous” to the main building structure.
5. Verification that the outdoor seating area is ADA compliant.
6. Must provide the City with proof that the liquor liability insurance covers alcohol sales in any expanded outdoor spaces (i.e. updated Certificate of Insurance needs to be provided to cover Premises Extension).
7. Access to restroom facilities or portable restroom(s) are provided.
8. Appropriate refuse container(s) are provided.
9. Indicate whether portable picnic tables or other type of seating is being provided; also indicate whether umbrellas, tents, canopies, awnings, etc. are being provided to temporarily cover seating for patrons.
10. Final approval required by City prior to opening outdoor seating area.

**SUBMISSION OF ITEMS OR QUESTIONS TO:**

**AMY DOMEIER, City Clerk's Office**

**1010 1<sup>st</sup> St. S.**

**Hopkins, MN 55343**

**Email: [adomeier@hopkinsmn.com](mailto:adomeier@hopkinsmn.com)**

**Telephone: 952-548-6304**