

RESOLUTION NO. 2020-34

**CITY OF MAHTOMEDI
WASHINGTON COUNTY, MINNESOTA**

**RESOLUTION AUTHORIZING TEMPORARY EXPANSION OF BUSINESS PREMISES AND
ADDITIONAL REGULATORY FLEXIBILITY IN RESPONSE TO COVID-19 HEALTH
PANDEMIC**

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 Mahtomedi issued a declaration of local emergency and on March 17, 2020 the City Council acted by resolution to extend the local emergency declaration, which remains in effect at this time;

WHEREAS, after previously closing all restaurants to dine-in service, Governor Walz recently authorized the limited reopening of businesses and restaurants, and has further established a variety of restrictions on the operations and customer capacity of businesses and restaurants as the State of Minnesota transitions into Phase II of “Stay Safe MN” beginning on June 1, 2020; and

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, the City Council recognizes this emergency has had a devastating effect on local businesses required to close pursuant to the Governor’s orders, including restaurants; and

WHEREAS, in order to support the continued viability of local business, 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, pursuant to its previously-adopted declaration of local emergency, the City Council has authorized that to the extent that state laws and city policies and procedures impede an efficient response or compliance with federal and state directives and recommendations, the City Administrator and his designees are hereby authorized to suspend compliance with those law, policies, and procedures as authorized by Emergency Executive Order 20-01 and Minnesota Statutes, Sections 12.32 and 12.37, and to take those actions necessary to protect the public health, safety, and welfare; and

WHEREAS, delegating authority to the City Administrator to grant flexibility to local regulations as part of a plan a business submits to the City Administrator 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 Mahtomedi Council as follows:

1. The City Administrator is hereby delegated the authority to grant, on behalf of the City, flexibility in City regulations as the City Administrator 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 Administrator approves for a particular business entity.
2. For the purposes of this Resolution, the "regulatory flexibility" the City Administrator 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 outdoor seating area identified in the approved plan;
 - (b) Allow the expansion of existing business operations into outdoor customer service and seating areas 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 Administrator 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 Administrator and necessary city staff and consultants shall be responsible for reviewing submitted business expansion plans, and the City Administrator has the discretion to deny any request for regulatory flexibility. If approved, the City Administrator shall place such conditions on the approval as the City Administrator determines are reasonable under the circumstances. The City Administrator is authorized to issue written approvals of regulatory flexibility to execute license agreements on the City's behalf. The City Administrator may immediately repeal any approved regulatory flexibility if the City Administrator 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 Administrator; or
 - (d) Immediately returning to full compliance with all applicable local regulations upon the expiration or termination of the regulatory flexibility.
5. The City Council hereby temporarily suspends the provisions of Section 10.03 of the Mahtomedi City Code prohibiting the possession or consumption of alcoholic beverages by individuals over 21 years of age within City Parks as it applies to certain areas within Veterans' Memorial Park as determined by the City Administrator.
6. The authority delegated herein to the City Administrator shall take effect immediately and shall continue until either repealed or otherwise amended by the City Council or termination of the declaration of local emergency.
7. The City Administrator shall keep the Council apprised of the regulatory flexibility granted to local businesses pursuant to the provisions of this resolution.

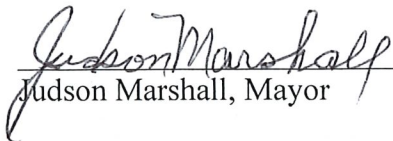
Adopted by the City Council of the City of Mahtomedi this 2nd day of June, 2020.

Ayes: Brainerd, Ledermann, Marshall,
Schneeweis, Wolgamot

Nays: None

Attest:

Attest:



Judson Marshall, Mayor



Jerene Rogers, City Clerk