

AMENDMENT TO DECLARATION OF LOCAL EMERGENCY

WHEREAS, On March 13, 2020 Governor Tim Walz declared a statewide emergency in response to the COVID-19 pandemic; and,

WHEREAS, On March 17, 2020 Olmsted County declared a health emergency in response to the COVID-19 pandemic; and,

WHEREAS, On March 20, Mayor Kim Norton issued a Declaration of Local Emergency, the Common Council consented.

WHEREAS, Minn. Stat. §12.29 authorizes the Mayor to declare an existence of a local emergency. That authority is also found in Rochester Code of Ordinances, Section 8-1-5; and,

WHEREAS, Governor Walz has issued various executive orders that make up Minnesota's Stay Safe Plan (Plan), which describes various phases in re-opening the State to commerce.

WHEREAS, On June 1, 2020 Governor Walz is moving to Phase II of the Plan, which, in part, allows restaurants and bars to serve customers outdoors.

WHEREAS, Minnesota has a variety of rules and regulations that make it cumbersome, difficult or in some cases impossible for restaurants and bars to serve outdoors. Governor Walz called upon City's to be "creative" in allowing bars and restaurants to serve customers safely under the Plan.

WHEREAS, Kim Norton is the duly elected Mayor of the City of Rochester and wishes to invoke the authority provided for in Minn. Stat. §12.29, subd. 1, and R.C.O. §8-1-5, to amend the existing Local Emergency to include provisions to allow restaurants and bars to add or expand outdoor seating for the duration of this declaration.

NOW, THEREFORE, MAYOR NORTON DECLARES, REQUESTS AND DIRECTS AS FOLLOWS

1. The existing Emergency Declaration remains in effect as drafted so long as the State of Minnesota remains under a Civil Emergency or further Council action.
2. The City Clerk, City Administrator and City Attorney are authorized to work with existing valid liquor license holders to include or expand outdoor seating on the premises under the following conditions:
 - A. License holders must have adopted and implemented a COVID-19 preparedness plan that meets State standards.

- B. Outdoor seating will be limited to 50 people at any given time.
 - C. Each table is limited to four patrons or six if they are all one family.
 - D. Tables must be spaced a minimum of six feet apart.
 - E. Employees must wear masks covering their mouth and nose.
 - F. No "walk in" customers. Reservations are required.
 - G. Operation of the outdoor seating are not allowed between the hours of midnight and 8:00 a.m.
 - H. Noise regulations continue to apply. Compliance with all applicable regulations on noise.
 - I. Any fees normally associated with this expansion are waived.
 - J. The business' insurance, including liquor liability, must cover the expanded premises.
 - K. While zoning and building codes still apply to any physical expansions, parking minimums are waived.
3. The City Clerk, City Administrator, Public Works Director and City Attorney are authorized to work with existing valid liquor license holders and restaurants licensed through the Olmsted County Health Department to include or expand outdoor seating off premises onto the public right of way under the following conditions.
- A. Conditions A-K in Paragraph 2.
 - B. A temporary encroachment agreement signed between the license holder and the City, including naming the City as additional insured and indemnifying the City.
 - C. Public Works review of the space and licensee shall meet any safety and ADA requirements of public works.
4. The City Clerk, City Administrator, Public Works Director and City Attorney are authorized to close portions of City streets for purposes of outdoor dining pursuant to the conditions in Paragraph 3.
5. The City Clerk, City Administrator, Parks Director and City Attorney are authorized to utilize City Parks for outdoor dining purposes pursuant to the Conditions in Paragraph 3. As part of this authorization, alcohol rules and regulations in City Parks may be amended/relaxed.
6. Any regulations in Chapter 5-19 or State Law that provide obstacles to this temporary use are suspended. The City Attorney is authorized to interpret rules and regulations liberally to allow restaurants and bars the ability to safely serve customers outdoors.
7. The Provisions in Paragraph's 2 through 7 are intended to be temporary and subject to swift changes based on State Order, Public Health direction or Council resolution.

Dated at Rochester, Minnesota this 26th day of May, 2020.

Kim Norton

Kim Norton, Mayor

Kelley K. Smith

City Clerk
DEPUTY