

**Agenda
City Council Meeting
City of Edina, Minnesota
VIRTUAL SPECIAL MEETING**

**The meeting will be broadcast live on Edina TV (Comcast Channels 813 or 16),
Facebook.com/EdinaMN and the City's "Watch a Meeting" web page at
EdinaMN.gov/LiveMeetings.
Wednesday, July 8, 2020
4:00 PM**

- I. Call To Order
- II. Roll Call
- III. Approval Of Meeting Agenda
- IV. Reports/Recommendations: (Favorable vote of majority of Council Members present to approve except where noted)
 - A. Emergency Regulation No. 2020-02
- V. Adjournment

The City of Edina wants all residents to be comfortable being part of the public process. If you need assistance in the way of hearing amplification, an interpreter, large-print documents or something else, please call 952-927-8861 72 hours in advance of the meeting.



CITY OF EDINA

4801 West 50th Street

Edina, MN 55424

www.edinamn.gov

Date: July 8, 2020

Agenda Item #: IV.A.

To: Mayor and City Council

Item Type:
Report / Recommendation

From: Scott Neal, City Manager

Subject: Emergency Regulation No. 2020-02

Item Activity:
Action, Discussion

ACTION REQUESTED:

Approve future action of Emergency Regulation No. 2020-02.

INTRODUCTION:

Mayor Hovland signed Emergency Regulation No. 2020-02 on July 1, 2020 under the authority vested in him by Minnesota Statutes 12.29 and Edina City Code section 14-23. The emergency order became effective on 12:01 a.m. on Monday, July 6. Under his emergency authority, the Mayor's emergency order expires three days from the date of implementation. The purpose of the July 8 special City Council meeting is for the City Council to determine whether you desire the order to be:

1. Terminated through non-action by the Council
2. Terminated by action of the Council
3. Extended as is by action of the Council
4. Amended and extended by action of the Council

The City Council action will require a majority vote of the Council.

ATTACHMENTS:

Proclamation of the Mayor

DRAFT 4 Local Emergency Order No. 2020-03

CITY OF EDINA, MINNESOTA
PROCLAMATION OF THE MAYOR
Emergency Regulation No. 2020-02

I, James Hovland, Mayor of the City of Edina, subject to the authority granted to me pursuant to Minnesota Statutes, Ch. 12.29, and Edina City Code section 14-23, as well as all other applicable laws, rules, regulations orders and declarations, do hereby proclaim the following Emergency Regulation:

Whereas, since issuing Executive Order 20-48, order Governor Waltz has strongly encouraged Minnesotans "to wear a manufactured or homemade cloth face covering when they leave their homes and travel to any public setting where social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies) and to follow face covering guidelines issued by the Minnesota Department of Health (MDH) and the Centers for Disease Control and Prevention (CDC). Such face-coverings are for source control (to help limit the person wearing the covering from infecting others)"; and

Whereas, pursuant to the authority granted to me pursuant to Minnesota Statutes, Ch. 12.29, and Edina City Code section 14-23, I am authorized to promulgate emergency regulations to protect the public health, safety, and welfare during this declared emergency; and

Whereas, health officials are increasingly urging non-medical workers to wear non-medical grade cloth face coverings to help curb the spread of COVID-19, by preventing the transmission of respiratory droplets that contain the virus; and

Whereas, public health experts have determined that it is possible to transmit COVID-19 even before a person shows symptoms; and

Whereas, public health experts have determined that the use of face coverings may reduce the risk of transmission by an infected person as a force multiplier for physical distancing, hand washing, and other prevention measures, understanding that face coverings are not recommended as a replacement for these activities; and

Whereas, to aid in our efforts, under the emergency authorities vested in the Mayor pursuant to the emergency declaration, to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency and adopt additional protections for the preservation of public health, safety and welfare.

NOW, THEREFORE, I, James Hovland, Mayor of the City of Edina, do hereby order the following emergency regulation:

1. Definitions:

- a. A "space of public accommodation" means retail establishments and city owned buildings, excluding city owned recreation facilities.

- b. "Retail establishment" means a place of business open to the general public which is exclusively or principally carried on for the sale of goods.
 - c. "Face-coverings" means a cloth or other covering that fully covers a person's nose and mouth, secured to the head with ties or straps or simply wrapped around the lower face.
- 2. Any individual shall be required to wear a face-covering when in the following circumstances:
 - a. In an indoor space of public accommodation
 - b. Exceptions: Face-coverings do not need to be worn by persons who are consuming food or beverages, children under the age of 5, persons with medical conditions that make it difficult to breath, individuals who are deaf or hard of hearing or those who care for or interact with a person who is hearing impaired, or persons otherwise unable to remove the mask without assistance.
- 3. All employers of businesses that are spaces of public accommodation as defined by this Order shall require their employees to wear a face covering whenever such employees have face-to-face contact with the public, unless other physical barriers are in place or at least six feet of separation is maintained according to CDC guidelines.
- 4. The requirement in this Order that face-coverings be worn in certain circumstances is intended to add to (and not be a substitute for) other practices (such as hand washing, staying home when sick, and maintaining appropriate physical distancing of at least 6 feet) recommended by public health officials to minimize the spread of COVID-19.
- 5. It is recommended that any individual cover their nose and mouth with a mask or cloth face covering when physical distancing standards of at least 6 feet of separation cannot be maintained among all individuals in accordance with CDC guidelines when in outdoor spaces.
- 6. To the extent anything in this Proclamation is inconsistent with the Emergency Executive Order 20-74 of Minnesota Governor Tim Walz, the language of the Emergency Executive Order 20-74 shall take precedence.
- 7. This Proclamation is effective 12:01 a.m. (CST) on July 6, 2020.

By: 

Mayor James Hovland
City of Edina, Minnesota
July 1, 2020

DRAFT 4
CITY OF EDINA
LOCAL EMERGENCY ORDER #2020-03

Amending Local Emergency Order #2020-02
Regarding Required Face Coverings

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

WHEREAS, on March 16, 2020, Mayor James Hovland issued a Declaration of Local Emergency, to which the City Council consented; and,

WHEREAS, on July 1, 2020, Mayor James Hovland issued an Amendment to the Declaration of Local Emergency, Order #2020-02, to which the City Council consented; and,

WHEREAS, Minn. Stat. §12.29 authorizes the Mayor to declare an existence of a local emergency, invoke necessary portions of the City's Emergency Operations Plans, and authorizes aid and services in accordance with mutual aid agreements. That authority is also found in Edina City Code, Section 14-23; and,

WHEREAS, James Hovland is the duly elected Mayor of the City of Edina and wishes to invoke the authority provided for in Minn. Stat. §12.29, subd. 1, and Edina City Code section 14-23; and,

WHEREAS, many individuals with COVID-19 are asymptomatic, yet risk transfer of coronavirus to others; and

WHEREAS, on June 28, 2020, the CDC issued the following guidance on face covering use:

1. CDC recommends that people wear cloth face coverings in public settings and when around people who do not live in your household, especially when other social distancing measures are difficult to maintain.
2. Cloth face coverings may help prevent people who have COVID-19 from spreading the virus to others.
3. Cloth face coverings are most likely to reduce the spread of COVID-19 when they are widely used by people in public settings.
4. Cloth face coverings should NOT be worn by children under the age of 2 or anyone who has trouble breathing, is unconscious, incapacitated, or otherwise unable to remove the mask without assistance; and

WHEREAS, a substantial number of health care professionals in Edina are recommending the use of face coverings in public spaces to reduce the spread of coronavirus; and

WHEREAS, in a scientific article published in *The Lancet* 2020; 395:1973-87, June, 2020 the study authors found, from a searched review of studies across 16 countries, that face masking could result in a large reduction in the risk of infection; and

WHEREAS, many businesses have already required face coverings for employees and customers and others have indicated they would if the local jurisdiction requires them; and

WHEREAS, wearing a face covering may greatly reduce the community spread of COVID-19; and

WHEREAS, the purpose of State Orders requiring limitations on both businesses being open and capacity limits is to prevent hospitals and supplies from being overrun; and

WHEREAS, the purpose of this Order is to minimize the need for future re-closing of businesses based on public health data and to reduce the risks of spreading coronavirus in the community.

NOW, THEREFORE, I, JAMES HOVLAND, MAYOR OF THE CITY OF EDINA, WITH THE CONSENT OF THE EDINA CITY COUNCIL, DO HEREBY ORDER THE FOLLOWING EMERGENCY REGULATION:

1. The existing Emergency Declaration, as amended, remains in effect as drafted so long as the State of Minnesota remains under a Peacetime Emergency or further Council action.
2. It is hereby Ordered that starting July 9, 2020, and continuing until the sooner of:
 - a. Gov. Walz enacts a statewide order requiring face coverings.
 - b. An end to the State's Peacetime Emergency Declaration.
 - c. A Resolution of the City Council rescinding the Order.
 - d. December 31, 2020.
3. All individuals shall wear a face covering in indoor areas accessible to the public, unless exempted under section 4 below:
 - a. Specific to the face covering mandate in section 3, the following shall also apply:
 - i. **Restaurants and Bars.** Must include in their COVID-19 Preparedness Plan that all customers wear a face covering when not seated at their table.
 - ii. **Spaces of Public Accommodation.** Owners and managers of spaces of public accommodation must include in their COVID-19 Preparedness

Plan that all employees wear a face covering when the individual is within any area open to the public or within six feet of another person. Customers are required to wear a face covering before entering the spaces of public accommodation and must wear the face covering until exiting.

- iii. **Public Transportation.** Users are required to wear a face covering before boarding a bus and wear the face covering until the user exits the bus.
- iv. **Entertainment Venues.** Users are required to wear a face covering when the user is within six feet of another person. When the user is seated and not within six feet of a person they can remove the face covering, but must wear the face covering when walking to or from their seat and while standing in or walking through public areas such as lobbies and restrooms.
- v. **Common Spaces in Multi-Family Residential and Multi-Tenant Office Buildings.** Residents of multi-family housing buildings, and their guests; and tenants, employees and their guests in multi-tenant office buildings shall wear a face covering when in common spaces such as hallways, corridors, lobbies, restrooms, mail rooms, elevators, trash and recycling rooms, fitness rooms, recreation rooms, laundry rooms and other space owned and used in common by the residents, employees and tenants of the building.

4. Exemptions: This Order does not apply to:

- i. Facilities operated by the County, State or Federal Government.
- ii. Personal Care Services/Salons that already have State face covering requirements.
- iii. Medical facilities that already have face covering requirements.
- iv. Children 5 years of age or younger.
- v. Individuals actively eating or drinking.
- vi. Individuals temporarily removing the face covering for identification purposes.
- vii. Individuals unable to wear a face covering due to medical, disability, or developmental reasons.
- viii. Individuals speaking to an audience, whether in person or through broadcast, as long as the speaker remains six feet or more away from other individuals.
- ix. Individuals speaking to someone who is deaf or hard of hearing and requires the mouth to be visible to communicate.
- x. Participants in youth sports, as defined by the City of Edina, are exempt from this Order but subject to all requirements under the State's Executive Orders.

- xi. Indoor athletic facilities. Indoor athletic facilities shall follow CDC and MDH guidelines. Patrons are not required to wear face coverings or masks while actively participating in permitted athletic activities but are encouraged to wear face coverings when not actively training.
- xii. Places of worship
- xiii. Public and private school facilities

5. Enforcement:

- i. Any individual who fails to comply with this Order will be asked to leave the property by an authorized representative of the business or organization. If the individual continues to refuse to leave, law enforcement may enforce trespassing laws or any other law the individual may violate.
 - ii. An individual's subsequent failure to comply with this Order may be subject to the penalty provisions of Sec. 14-23 and Sec. 1-18 of the Edina City Code which provides that in any case other than those in which a violation is expressly stated to be a petty misdemeanor in this Code, any person violating any provision of this Code, or Code any rule or regulation adopted under this will, upon conviction, be guilty of a misdemeanor, and be subject to a fine of not more than \$1,000.00 or imprisonment for a term not to exceed 90 days or both, plus, in either case, the cost of prosecution. The cost of prosecution may be added to the penalty imposed on every person convicted of violating any provision of this Code.
 - iii. Businesses and organizations may rely on an individual's statements if they claim to be exempt from the Order due to medical, disability, or developmental reasons.
 - iv. Any business violating this Order shall be subject to administrative action for any licenses they possess with the City.
6. For purposes of this Order, "face covering" shall mean a manufactured or homemade cloth, paper or plastic covering that fully covers an individual's nose and mouth, secured to the head with ties or straps or simply wrapped around the lower face. The terms "mask" and "face covering" are synonymous.
7. For purposes of this Order, a "space of public accommodation" means a business, refreshment, entertainment, or recreation facility, or an institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public. Examples include retail stores, rental establishments, City of Edina government buildings, and service establishments as well as recreational facilities, and service centers. This definition includes establishments and facilities that offer food and

beverage not for on-premises consumption, including grocery stores, markets, convenience stores, pharmacies, drug stores, and food pantries.

8. All employers of businesses that are spaces of public accommodation, as defined by this Order, shall require their employees to wear a face covering whenever such employees have face-to-face contact with the public, unless other physical barriers are in place or at least six feet of separation is maintained according to CDC guidelines.
9. The requirement in this Order that face-coverings be worn in certain circumstances is intended to add to (and not substitute for) other practices (such as hand washing, staying home when sick, and maintaining appropriate physical distancing of at least six feet) as recommended by public health officials to minimize the spread of COVID-19.
10. It is recommended that any individual cover their nose and mouth with a mask or a cloth face covering when physical distancing standards or at least six feet of separation cannot be maintained among all individuals in accordance with CDC guidelines when in outdoor spaces.
11. Owners or managers of property subject to this Order shall post written notice of this Order at all points used by the public to access the property.
12. Businesses and organizations are encouraged to provide masks for customers at no or nominal cost.
13. To the extent anything in this Order is inconsistent with the Emergency Executive Order 20-74 of Minnesota Gov. Tim Walz, the language of Emergency Executive Order 20-74 shall take precedence.

This Order is effective 12:01 a.m. (CST) on July 9, 2020.

By: _____
Mayor James Hovland
City of Edina, Minnesota
July 8, 2020