

Agenda
City Council Meeting
City of Edina, Minnesota
Edina City Hall Council Chambers
SPECIAL MEETING
Friday, January 7, 2022
2:00 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 2022-01
 - B. Virtual Meetings
- 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: January 7, 2022

Agenda Item #: IV.A.

To: Mayor and City Council

Item Type:

Report / Recommendation

From: Scott H. Neal, City Manager

Item Activity:

Subject: Emergency Regulation 2022-01

Discussion

ACTION REQUESTED:

Discuss Emergency Regulation 2022-01.

INTRODUCTION:

I appreciate the Council's willingness to call a special emergency meeting to discuss the City's range of possible responses to the current COVID-19 omicron variant infection surge in Edina. I am aware that Council Members are receiving input and feedback from Edina residents on the subject of the current infection surge. The Council is the duly elected leadership body of the residents of Edina, so it falls to the five of you to discern a path forward on this public policy challenge, the consequences of which are quite serious.

I have invited public health professionals from our staff and from Bloomington Public Health to join the special meeting to present information and context about the current infection surge. They will also be prepared to answer your questions.

Following the public health presentation, it is my recommendation the Council discuss whether or not you want the City to play a role in attempting to reduce the infection surge. And, if you do want the City to play such a role, how active do you want the City's role to be. Some of the issues you will want to discuss and resolve are:

- What methodology does the City want to recommend? The range includes everything from a strongly worded statement to a masking mandate to closures and occupancy limits.
- Voluntary or mandatory compliance. Do we encourage compliance or demand it?
- Enforcement. If we decide that compliance is obligatory, how is it enforced?
- Timeline. How long are protective measures in place? What triggers them to be eliminated?

Considerations:

- The Governor has clearly stated that he is not going to issue a state-wide mask mandate like he did in 2020. The Governor's 2020 action was important in establishing the legitimacy of our local action. We should give consideration to our local action if the Governor is not going to do something similar statewide.
- If the City's action is going to demand compliance, a discussion about enforcement is necessary. Enforcement was problematic for the City during the 2020 action. With the current uptick in crime, I do not recommend that we expect our police department to add this challenge to their mission. Also, our

seasonal employees at recreation facilities were challenged regularly in 2020. It was extremely difficult for them to force compliance. I fear we would have the same challenges for them today.

- It is true that Minneapolis and St. Paul have issued new mask mandates, but other suburban communities are not following their lead, at least for now.

Those are some questions and considerations to think about and be prepared to discuss at the meeting. Included in the packet will be a copy of the new Minneapolis order; a draft order for Edina based on the current Minneapolis order; and, a draft order based on our 2020 emergency order, but revised to be voluntary instead of obligatory.

ATTACHMENTS:

Edina DRAFT Emergency Order #1 (Voluntary)

Edina DRAFT Emergency Order #2 (Mandate)

Minneapolis Emergency Regulation 2022-1

Resolution No. 2022-13: Community Protective Measures for COVID-19

Staff Presentation

**CITY OF EDINA
LOCAL EMERGENCY ORDER #2022-01
Regarding Face Coverings**

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, 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, Mayor Hovland seeks the consent and support of the City Council to take action on this matter; and,

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

WHEREAS, infection rates in Edina in January 2022 are currently at their highest rate since the start of the pandemic in March 2020; 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, 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 goal of this Order is to achieve a reduction in the spread of the virus through voluntary actions by Edina residents, businesses and guests.

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. All individuals in Edina are requested and encouraged to wear a face covering in indoor areas accessible to the public, unless exempted under section 2 below:

- a. Specific to the face covering voluntary mandate, the following shall also apply:
- i. **Restaurants and Bars.** Are encouraged to 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 are encouraged to 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, and that 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 encouraged 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 encouraged 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 may remove the face covering, but are encouraged to 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 are encouraged to 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.

2. 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

3. Enforcement:

- i. Compliance with this Order is voluntary.
 - ii. Private property owners may demand mandatory compliance with this Order. Any individual who fails to comply with this Order may 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.
 - 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.
4. 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.
5. 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.

6. All employers of businesses that are spaces of public accommodation, as defined by this Order, are encouraged to 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.
7. The request 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.
8. 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.
9. Owners or managers of property subject to this Order are encouraged to post written notice of this Order at all points used by the public to access the property.
10. Businesses and organizations are encouraged to provide masks for customers at no or nominal cost.
11. This Order will remain effective until revoked by action of the Mayor, the City Council or May 1, 2022.

This Order is effective _____

By: _____
Mayor James Hovland
City of Edina, Minnesota
January 7, 2022

City of Edina

Local Emergency Order No. 2022-1

In response to the COVID-19 public health emergency, this emergency regulation re-establishes required face coverings for indoor public locations.

Whereas, it is a priority that race and equity be of paramount consideration in enacting and carrying out emergency regulations during the COVID-19 pandemic; and

Whereas, the data shows that older individuals and those suffering from underlying conditions are prone to more severe disease; and, in the Twin Cities, Black, Indigenous, people of color, and immigrant community members are testing at a higher rate; and

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

Whereas, according to the U.S. Centers for Disease Control and Prevention (CDC), because COVID-19 is primarily transmitted by respiratory droplets, population density plays a significant role in the acceleration of transmission and cities like Minneapolis, the densest city in the State of Minnesota, are at a higher risk while also serving a greater proportion of vulnerable populations; and

Whereas, during the public health emergency, state and local health authorities strongly encouraged all Minnesotans to wear a face covering when they leave their homes and travel to any indoor public setting where social distancing measures are difficult to maintain (e.g. grocery stores and pharmacies) and to follow relevant face covering guidelines issued by governmental health authorities; and

Whereas, since March 2020, the City has issued and rescinded numerous disease control and prevention regulations as needed to address the ebbs and flows of the COVID-19 pandemic; and

Whereas, since June 2021, the CDC identified new variants of the COVID-19 virus which are present in the United States and medical experts determined that some of these variants are significantly more contagious than previously known variants; and

Whereas, the COVID-19 Delta variant has been determined by the CDC to be a “variant of concern” due to its high transmissibility and continues to account for a large number of new cases sequenced in Minnesota, thereby substantially increasing the potential risk of infection and the spread of the virus through the community; and

Whereas, the COVID-19 Omicron variant, which has been identified in Minnesota, has been determined by the CDC to be a “variant of concern” and appears to be easily transmitted; and

Whereas, the Omicron variant accounts for 68% of the cases in Minnesota; and

Whereas, 4.3% of all new COVID-19 cases have been in fully vaccinated individuals ages 12 and up in Minnesota as of the last reporting period (week of 11/28/21); and

Whereas, new COVID-19 infections in Edina are occurring at a rate higher than at any time in the pandemic; and,

Whereas, the CDC continue to reinforce that the strongest defense against the Delta, Omicron, and other potentially dangerous variants is through vaccination, proper use of a face mask, avoidance of crowded spaces, good hand hygiene, and staying home when sick.

NOW, THEREFORE, be it resolved by the City Council of the City of Edina that:

Effective January 6, 2022, any individual who is over age two and able to medically tolerate a face covering shall be required to cover their nose and mouth with a medical-grade mask or cloth face covering in accordance with CDC guidance when in indoor spaces of public accommodation regardless of vaccination status, except for the purposes of eating and/or drinking.

All employers of businesses that are spaces of public accommodation as defined by this Order shall require their employees, regardless of vaccination status, to wear a medical-grade mask or cloth face covering whenever such employees have face-to-face contact with the public. Athletes, performers, and supporting staff competing or performing at indoor spaces of public accommodation are not subject to this regulation.

Definitions

A space of public accommodation means a business, or an educational, 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, government buildings, stadiums, arenas, convention centers, and service establishments as well as educational institutions, recreational facilities, and service centers.

Cloth face covering means a covering that fully covers a person's nose and mouth but is not a Medical-Grade Mask.

Medical-grade mask means an N95, KN95, surgical, or other mask that would be appropriate for a healthcare setting, or a setting in which direct patient care is provided.

Additional Terms

This Order is effective 5:00 p.m. (CST) January __, 2022 and continuing until further notice or until it is extended, rescinded, superseded, or amended.

A violation of this Emergency Regulation may be enforced by the issuance of warning letter(s), administrative citation to City-licensed businesses, and/or misdemeanor prosecution.



Emergency Regulation
Issued pursuant to MCO Section 128.60

I, Jacob Frey, Mayor of the City of Minneapolis, subject to the authority granted to me pursuant to Minnesota Statutes, Ch. 12.29, and Minneapolis Code of Ordinances (MCO), Sections 128.50 and 128.60 do hereby proclaim the following Emergency Regulation:

PROCLAMATION OF THE MAYOR
Emergency Regulation No. 2022-01

Whereas, on March 16, 2020, I declared a local public health emergency related to the COVID-19 pandemic in the City of Minneapolis and assumed executive responsibilities attendant thereto; and

Whereas, pursuant to the authority granted to me pursuant to Minnesota Statutes, Ch. 12.29, and Minneapolis Code of Ordinances, Sections 128.50 and 128.60, I am authorized to promulgate emergency regulations to protect the public health, safety, and welfare during this declared emergency; and

Whereas, it is a priority that race and equity be of paramount consideration in enacting and carrying out emergency regulations during the COVID-19 pandemic; and

Whereas, the data shows that older individuals and those suffering from underlying conditions are prone to more severe disease; and, in Minneapolis, Black, Indigenous, people of color, and immigrant community members are testing at a higher rate; and

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

Whereas, according to the U.S. Centers for Disease Control and Prevention (CDC), because COVID-19 is primarily transmitted by respiratory droplets, population density plays a significant role in the acceleration of transmission and cities like Minneapolis, the densest city in the State of Minnesota, are at a higher risk while also serving a greater proportion of vulnerable populations; and

Whereas, during the public health emergency, state and local health authorities strongly encouraged all Minnesotans to wear a face covering when they leave their homes and travel to any indoor public setting where social distancing measures are difficult to maintain (e.g. grocery stores and pharmacies) and to follow relevant face covering guidelines issued by governmental health authorities; and

Whereas, since March 2020, the City has issued and rescinded numerous disease control and prevention regulations as needed to address the ebbs and flows of the COVID-19 pandemic; and

Whereas, on May 26, 2020, I promulgated Emergency Regulation 2020-12 (rescinded June 1, 2021), which required the wearing of a mask or cloth face covering in indoor spaces of public accommodation in the City of Minneapolis; and

Whereas, since June 2021, the CDC identified new variants of the COVID-19 virus which are present in the United States and medical experts determined that some of these variants are significantly more contagious than previously known variants; and

Whereas, the COVID-19 Delta variant has been determined by the CDC to be a “variant of concern” due to its high transmissibility and continues to account for a large number of new cases sequenced in Minnesota and the City of Minneapolis, thereby substantially increasing the potential risk of infection and the spread of the virus through the community; and

Whereas, the COVID-19 Omicron variant, which has been identified in Minneapolis, has been determined by the CDC to be a “variant of concern” and appears to be easily transmitted; and

Whereas, the Omicron variant accounts for 68% of the cases in Minnesota; and

Whereas, 4.3% of all new COVID-19 cases have been in fully vaccinated individuals ages 12 and up in Minnesota as of the last reporting period (week of 11/28/21); and

Whereas, COVID-19 cases in the City of Minneapolis have trended upward since July 2021 with the community transmission rate exceeding 900 cases per 100,000 individuals, which puts the City in the CDC’s high-risk area category with associated increased rates of positive test cases; and

Whereas, the City of Minneapolis and the CDC continue to reinforce that the strongest defense against the Delta, Omicron, and other potentially dangerous variants is through vaccination, proper use of a face mask, avoidance of crowded spaces, good hand hygiene, and staying home when sick; 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 and safety.

NOW, THEREFORE, I, Jacob Frey, Mayor of the City of Minneapolis, do hereby order the following emergency regulation:

1. Effective January 6, 2022, any individual who is over age two and able to medically tolerate a face covering shall be required to cover their nose and mouth with a medical-grade mask or cloth face covering in accordance with CDC guidance when in indoor spaces of public accommodation regardless of vaccination status, except for the purposes of eating and/or drinking.
2. All employers of businesses that are spaces of public accommodation as defined by this Order shall require their employees, regardless of vaccination status, to wear a medical-grade mask or cloth face covering whenever such employees have face-to-face contact with the public.
3. Athletes, performers, and supporting staff competing or performing at indoor spaces of public accommodation are not subject to this regulation.

Definitions

4. A space of public accommodation means a business, or an educational, 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, government buildings, stadiums, arenas, convention centers, and service establishments as well as educational institutions, recreational facilities, and service centers.
5. Cloth face covering means a covering that fully covers a person’s nose and mouth but is not a Medical-Grade Mask.
6. Medical-grade mask means an N95, KN95, surgical, or other mask that would be appropriate for a healthcare setting, or a setting in which direct patient care is provided.

Additional Terms

7. This Order is effective 5:00 p.m. (CST) January 6, 2022 and continuing until further notice or until it is extended, rescinded, superseded, or amended.
8. A violation of this Emergency Regulation may be enforced by the issuance of warning letter(s), administrative citation to City-licensed businesses, and/or misdemeanor prosecution. Minneapolis Code of Ordinances Sections 1.30 and 259.250
9. The Commissioner of Health is hereby authorized and directed to administer, interpret, and monitor requirements set forth in this Emergency Regulation, and to take such further actions as deemed necessary or advisable to protect the health and safety of the public.

JAN 05 2022

Date



Jacob Frey, Mayor of Minneapolis

ATTEST:

City Clerk

POSTED:

JAN 05 2022

RESOLUTION NO. 2022-13
COMMUNITY PROTECTIVE MEASURES FOR COVID-19

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

WHEREAS, during the public health emergency, state and local health authorities strongly encouraged all Minnesotans to wear a face covering when they leave their homes and travel to any indoor public setting where social distancing measures are difficult to maintain (e.g. grocery stores and pharmacies) and to follow relevant face covering guidelines issued by governmental health authorities; and,

WHEREAS, since June 2021, the CDC identified new variants of the COVID-19 virus which are present in the United States and medical experts determined that some of these variants are significantly more contagious than previously known variants; and,

WHEREAS, the COVID-19 Delta variant has been determined by the CDC to be a “variant of concern” due to its high transmissibility and continues to account for a large number of new cases sequenced in Minnesota, thereby substantially increasing the potential risk of infection and the spread of the virus through the community; and,

WHEREAS, the COVID-19 Omicron variant, which has been identified in Minnesota, has been determined by the CDC to be a “variant of concern” and appears to be easily transmitted; and,

WHEREAS, the Omicron variant accounts for 68% of the cases in Minnesota; and,

WHEREAS, 4.3% of all new COVID-19 cases have been in fully vaccinated individuals ages 12 and up in Minnesota as of the last reporting period (week of 11/28/21); and,

WHEREAS, new COVID-19 infections in Edina are occurring at a rate higher than at any time in the pandemic; and,

WHEREAS, the CDC continues to reinforce that the strongest defense against the Delta, Omicron, and other potentially dangerous variants is through vaccination, proper use of a face mask, avoidance of crowded spaces, good hand hygiene, and staying home when sick; and,

WHEREAS, the healthcare system is experiencing significant stress right now from the sharp increase in COVID-19 infections and would benefit from people exercising more personal protective measures to mitigate the spread of the Omicron variant.

NOW, THEREFORE, BE IT RESOLVED, to achieve maximum protection against the Omicron variant of COVID-19, that:

1. Residents, employees and guests in Edina are requested and strongly encouraged by the Edina City Council to take all reasonable protective actions, such as wearing appropriate face coverings, maintain social distancing in public places, washing hands regularly and getting vaccinated, if possible, in order to reduce the spread and negative impacts of COVID-19 during this period of infection surge caused by the Omicron variant; and

2. Staff is directed to develop strategies around the use of federal funds for providing the following to the residents of Edina:
- Flu shots
 - Rapid test access for COVID-19
 - Opportunities for COVID-19 booster shots
 - Providing high-quality masks to our residents that are effective against Omicron

Dated: January 7, 2022

Attest: _____
Sharon Allison, City Clerk

James B. Hovland, Mayor

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) SS
CITY OF EDINA)

CERTIFICATE OF CITY CLERK

I, the undersigned duly appointed and acting City Clerk for the City of Edina do hereby certify that the attached and foregoing Resolution was duly adopted by the Edina City Council at its Regular Meeting of January 7, 2022, and as recorded in the Minutes of said Regular Meeting.

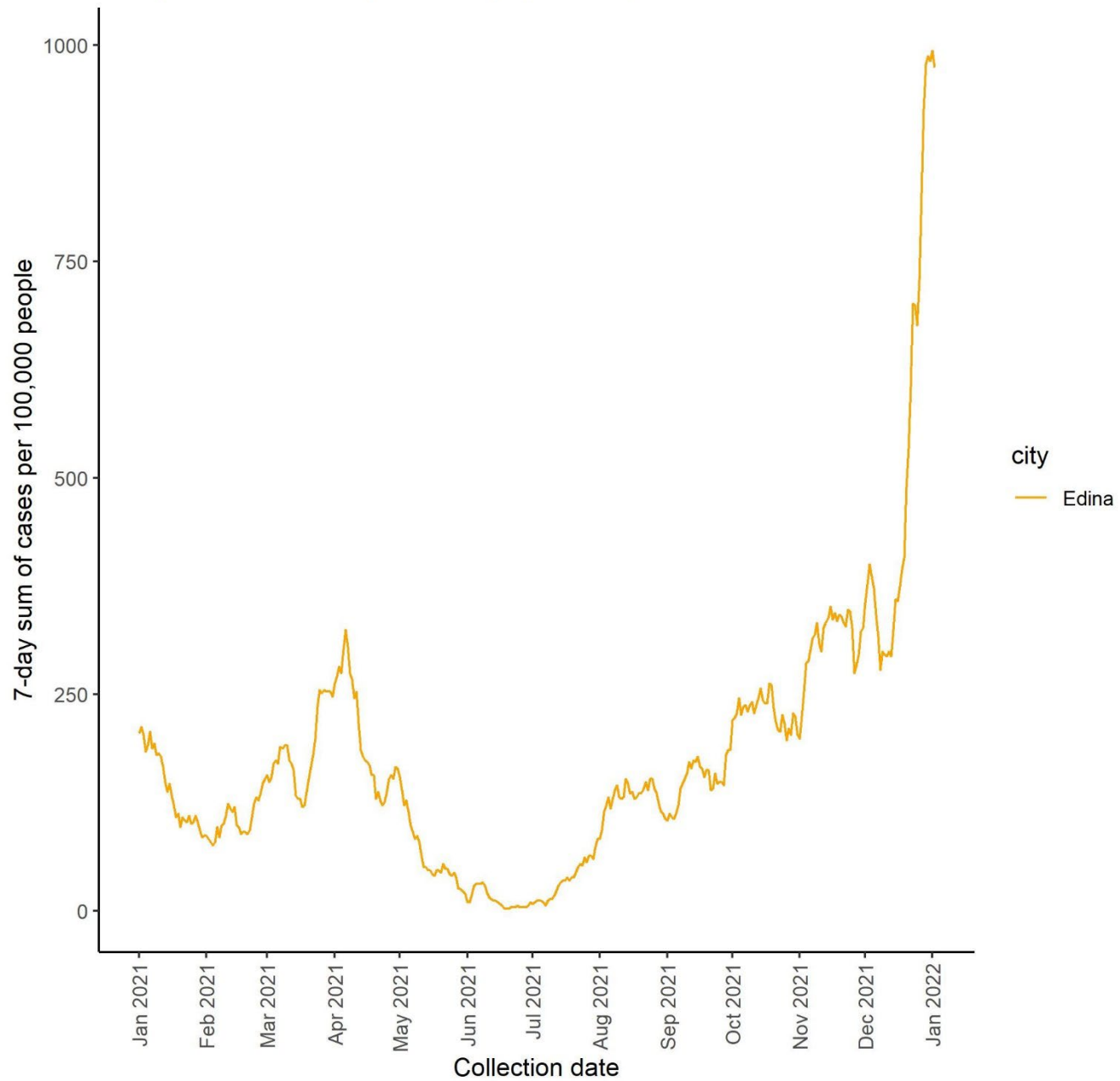
WITNESS my hand and seal of said City this _____ day of _____, 2022.

City Clerk

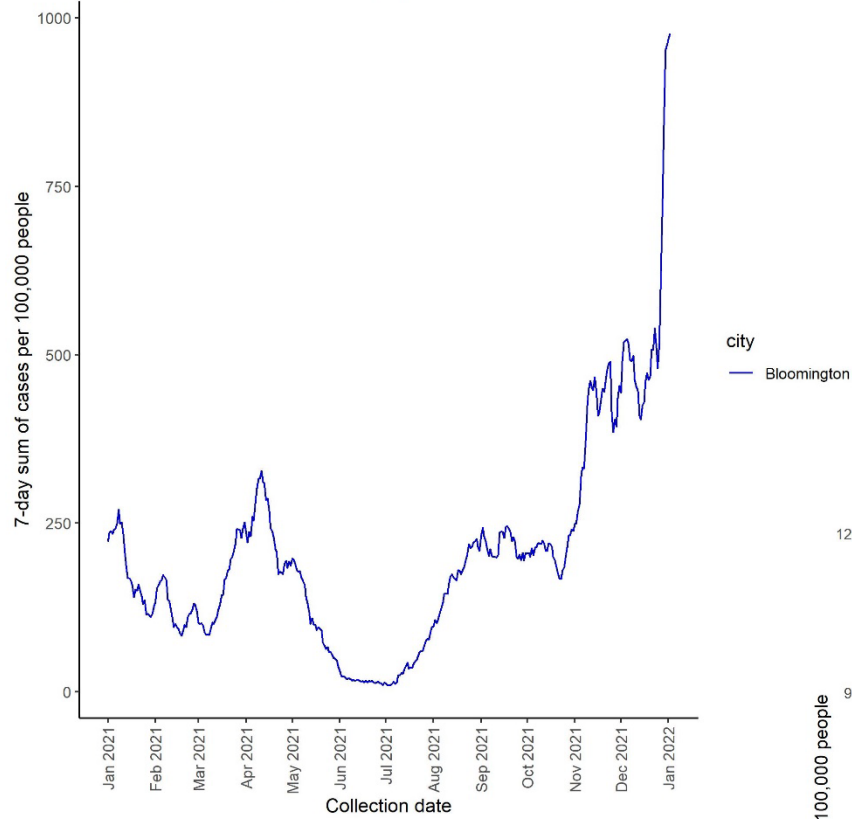
COVID-19 Update

January 7, 2022

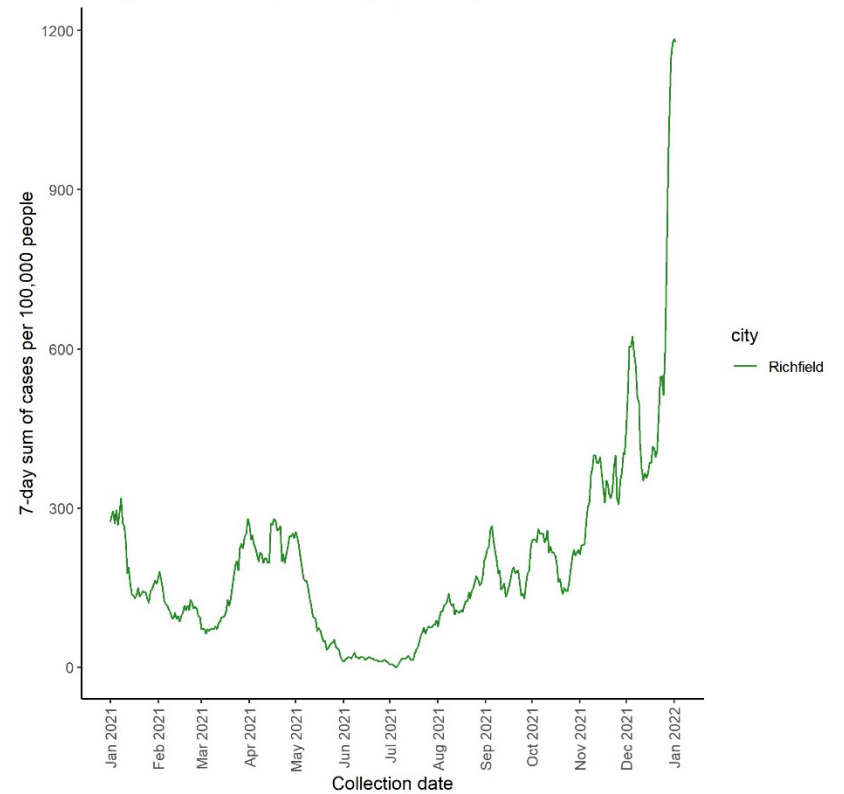
7 day sum of cases per 100k population, Edina 2021-2022



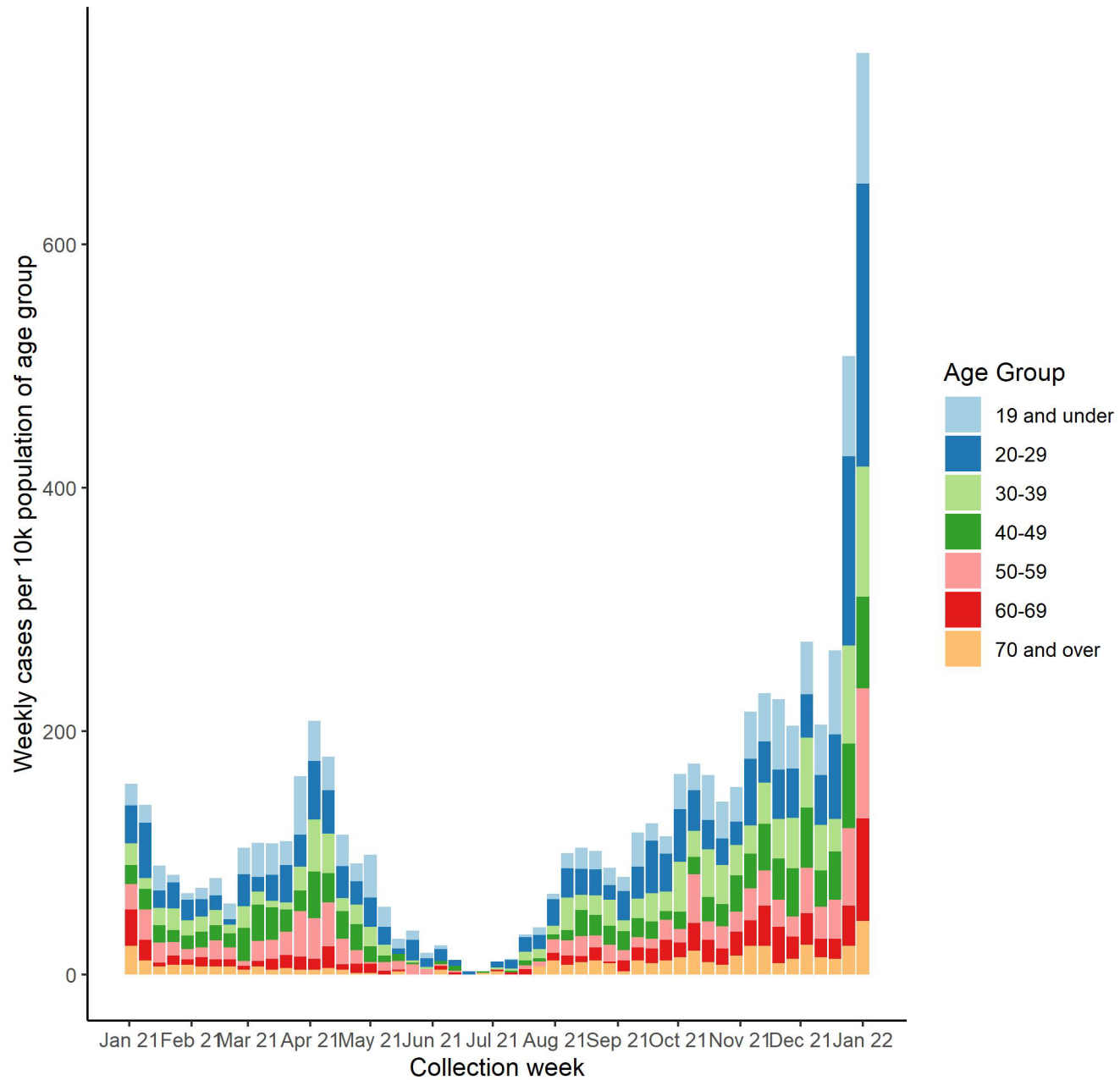
7 day sum of cases per 100k population, Bloomington 2021-2022



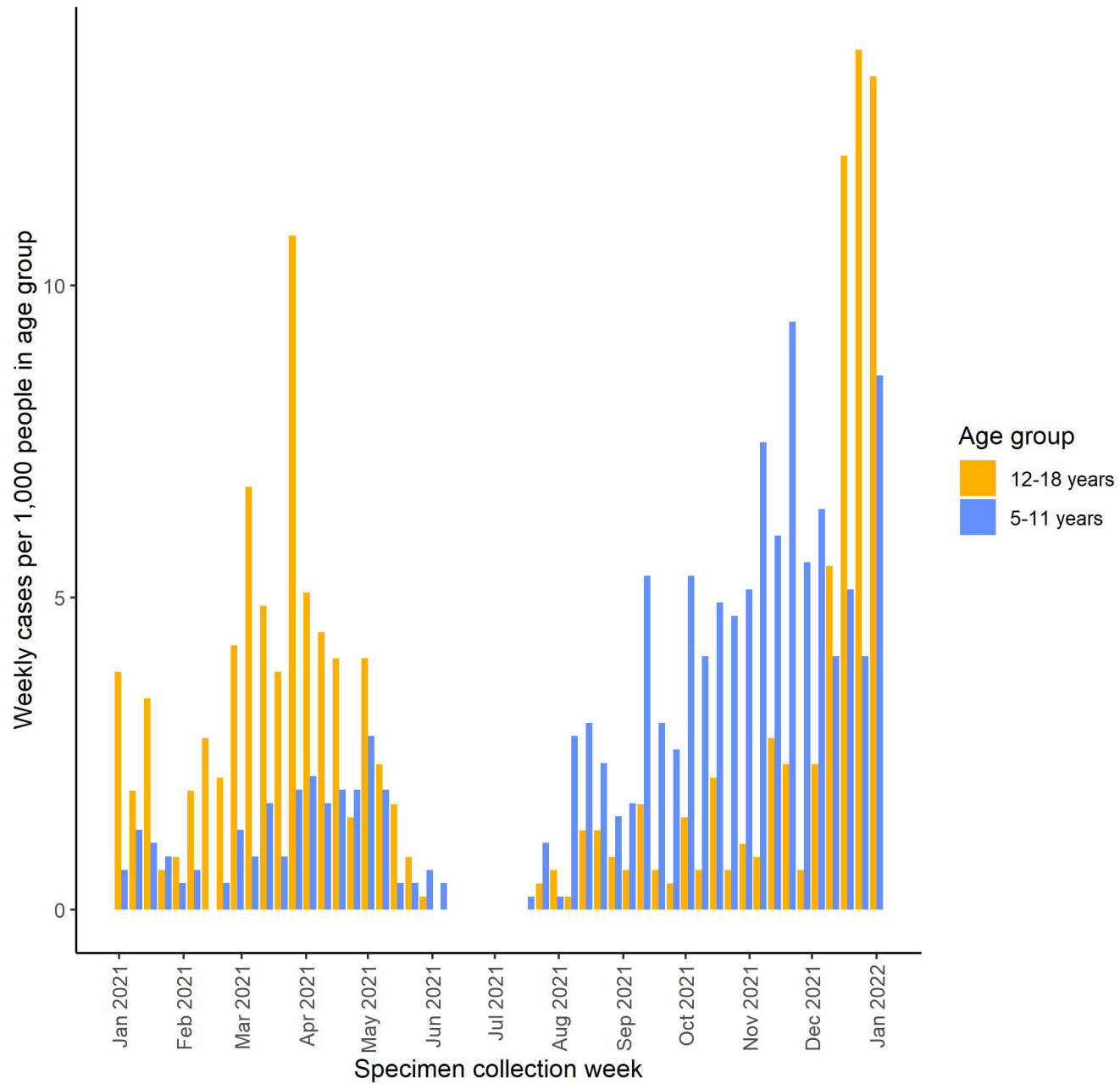
7 day sum of cases per 100k population, Richfield 2021-2022



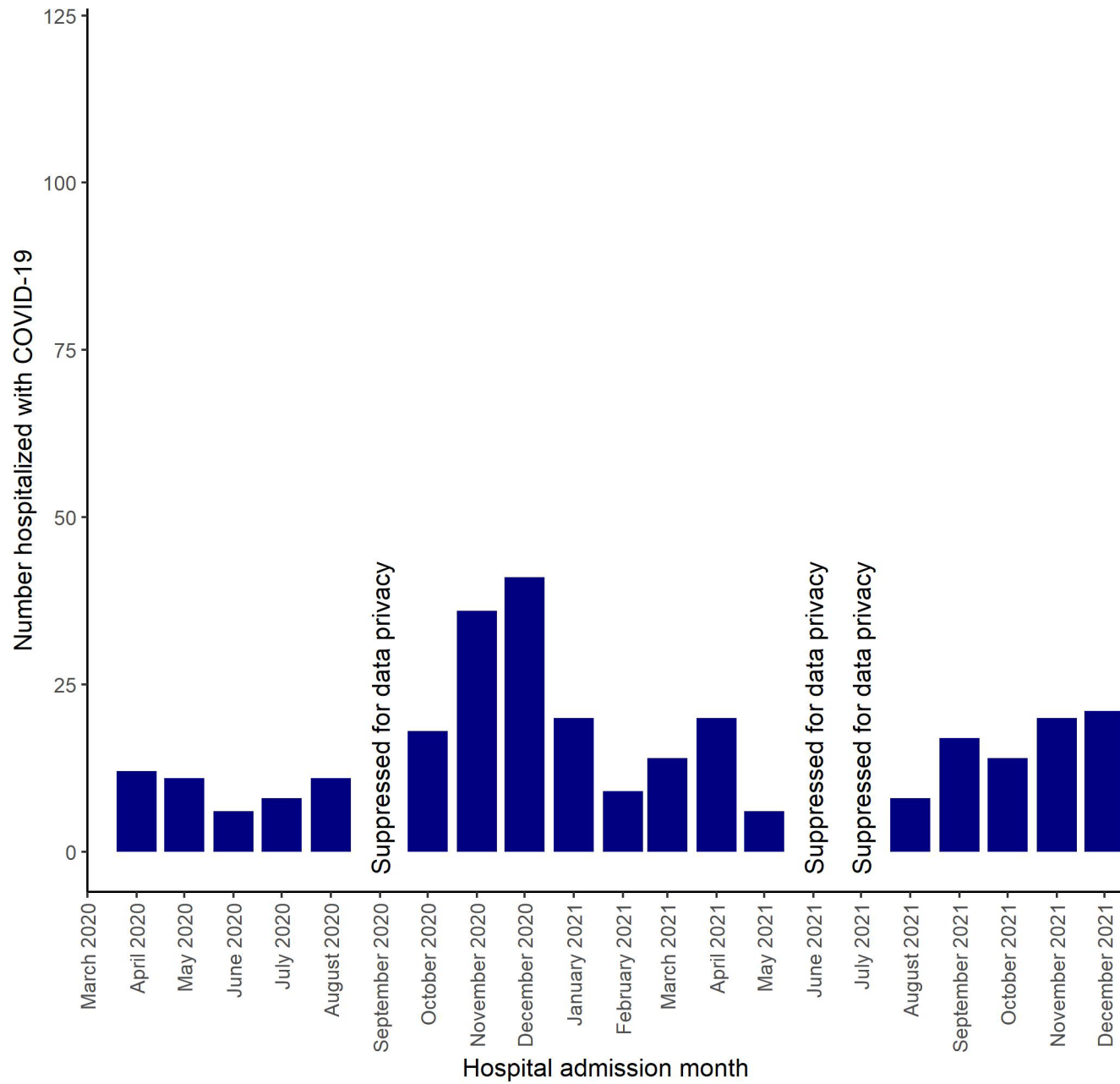
Edina 7 day case sum per 10k population in age group



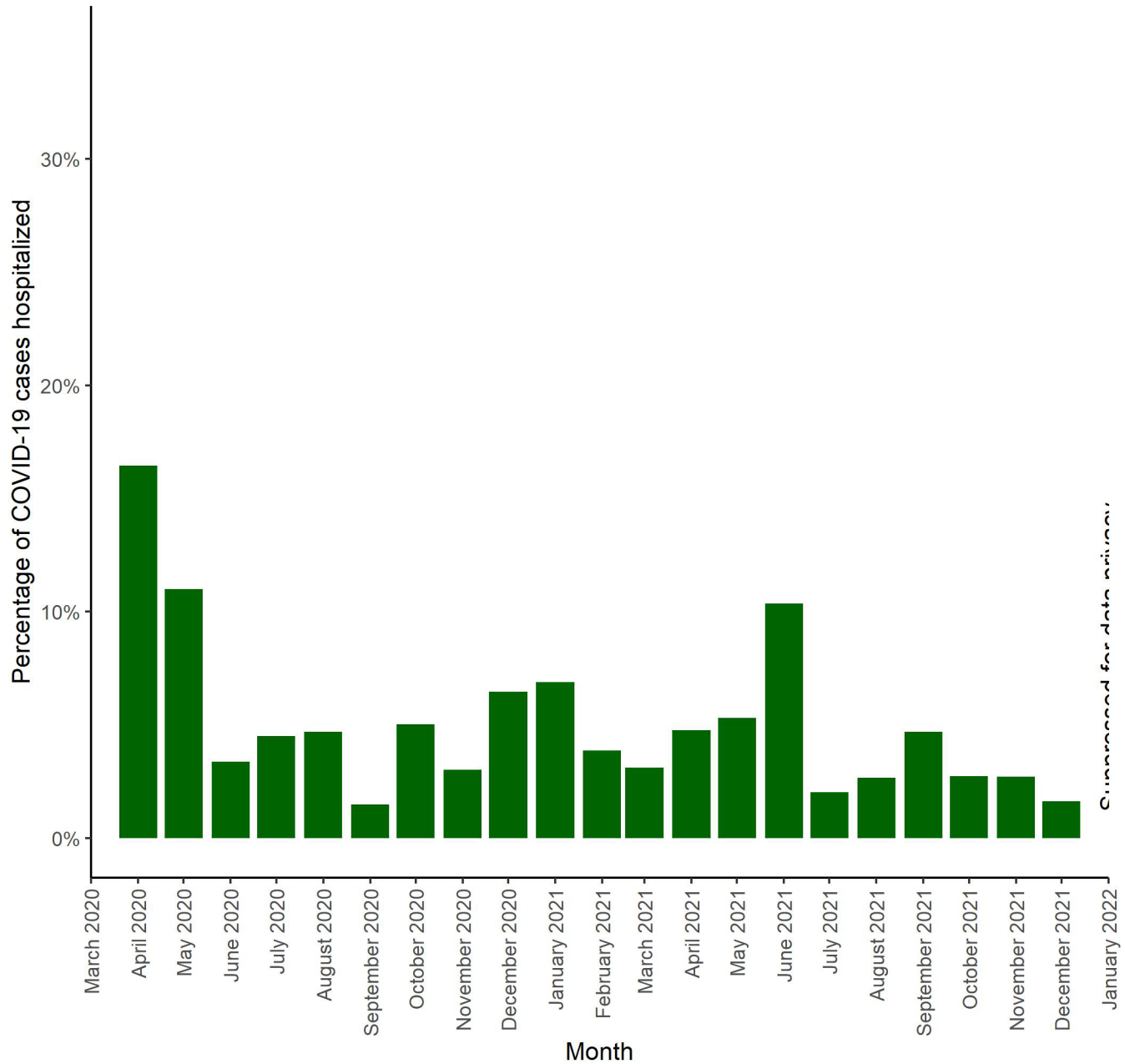
Edina weekly cases by age group, per capita, 2021-2022



Edina case hospitalizations by month



Edina hospitalizations as a percentage of COVID-19 cases, by month





CITY OF EDINA

4801 West 50th Street

Edina, MN 55424

www.edinamn.gov

Date: January 7, 2022

Agenda Item #: IV.B.

To: Mayor and City Council

Item Type:
Report / Recommendation

From: Scott H. Neal, City Manager

Item Activity:

Subject: Virtual Meetings

Discussion

ACTION REQUESTED:

Discussion

INTRODUCTION:

City Council to discuss the option of going back to virtual meetings.