

**MINUTES - SPECIAL CITY COUNCIL MEETING
TELEPHONICALLY
MAY 26, 2020**

The meeting was called to order at 5:30 p.m. telephonically by Mayor Collins. Members present: Jack Evenson, Terri Collins, Jon Buyck, Mark Schreck & Lucas Olson. Members Absent: None. Also present: City Manager Rob Wolfington, Director of Finance Glen Pederson, Police Chief Ian Hodge, City Attorney Ben Wilcox, Terry Sullivan and Stacy Erickson

The Council recited the Pledge of Allegiance.

Mayor Collins asked for any changes to the agenda to which there were none. It was moved by Schreck, seconded by Buyck and carried unanimously to approve the agenda as presented.

The Mayor called for anyone with unscheduled business. The Mayor said she and Mr. Sullivan talked out by Patrick's Pub about the Governor's order allowing outdoor dining only to open on June 1, 2020. She said they are asking to put tables in the parking spots on the east side of their building. She said they talked about concrete barriers to define and protect the space and to create about 7-8 places for diners to sit. They would also like to expand their sidewalk café to the curb on the north side of the building and create another 5-6 tables socially distanced. Sullivan said he felt this plan would get them close to 50 people, and the City would not have to close off 13th Street South. He said this proposal is different from his plan he discussed with the City earlier. He also asked if tents could be put up?

Next Wolfington discussed the need to extend the Mayor's Emergency Management Order. Wolfington said continuing the Emergency Declaration will qualify the City for any State or Federal Emergency reimbursements if needed down the road as a result of the COVID-19 Pandemic. It was moved by Evenson, seconded by Schreck and carried unanimously to approve ratify and extend the Declaration of Local Emergency for an additional 60 days from today.

Next was discussion allowing outdoor dining per the Governor of Minnesota's order. Wolfington asked if the Council had any thoughts on tables in streets with traffic driving by. Fencing and barricades were discussed. Wolfington said he could purchase 150' of flood stop barriers that are 25" tall for \$3,000 from Custom Roto Mold. Buyck said he didn't think we needed to purchase barriers and felt there could be another alternative. Schreck pointed out if 13th Street is closed off between Kansas and Pacific Avenues, there would need to be a fire lane left open. Sullivan invited the Council to the Bar to look at his proposal. Wilcox said the resolution allows staff to approve the plans submitted by the applicant. Sullivan said he isn't asking the City to spend a lot of money for him, he wants it to be simple. Wolfington confirmed the Council approved of using all or part of 13th Street, and not in agreement about using City funds for barricade purchase. Sullivan and Wolfington agreed to meet at Patrick's on Wednesday, May 27, 2020 at 9am.

Councilmember Evenson offered the following resolution:

**RESOLUTION TO ALLOW OUTDOOR DINING DURING SPECIAL EMERGENCY
(RESOLUTION 2020-16)**

WHEREAS, the City Council of the City of Benson has declared that a special emergency is in effect; and,

WHEREAS, The Governor of Minnesota has issued Executive Order 20-56, allowing bars and restaurants to open on June 1, 2020 for outdoor service so long as certain conditions including social distancing are maintained to prevent the spread of COVID-19; and,

WHEREAS, immediate action to respond to the situation is needed in order to allow local businesses to operate according to the Governor's order; and,

WHEREAS, the City of Benson wishes to allow local businesses to operate as allowed by the Governor's order; and,

WHEREAS, Minnesota Statutes allow expansion of outdoor business areas provided that:

- a. Retail alcoholic beverage licensed premises be compact and contiguous
 - b. Retailers provide proof that their liquor liability insurance covers alcohol sales in such expanded outdoor spaces
 - c. The city is allowed to approve a map of expanded service areas;
- and,

WHEREAS, Benson Code of Ordinances § 36.08 (A) authorizes the city, by resolution, to promulgate regulations, consistent with applicable federal or state law or regulation, respecting the conduct of persons and use of property during emergencies;

NOW THEREFORE IT IS HEREBY RESOLVED that:

- a. The city manager is authorized to accept, review and either approve or deny applications from local businesses that wish to expand their outdoor service during the declared emergency.
- b. The city manager is authorized to allow the use of public areas, including local streets and sidewalks, for businesses that wish to expand their outdoor service during the declared emergency.

This resolution shall expire at the end of 30 days or at the end of the emergency, whichever comes first.

Councilmember Buyck seconded the foregoing resolution and the following vote was recorded: AYES: Evenson, Schreck, Collins, Buyck, Olson. NAYS: None. Thereupon the Mayor declared Resolution 2020-16 duly passed and adopted.

There being no other business, it was moved by Evenson, seconded by Buyck to adjourn the meeting. The following vote was taken: Olson, Schreck, Buyck, Evenson and Collins. The meeting was adjourned at 6:07 p.m.

Mayor

City Clerk