



To: Mayor Fasbender & City Councilmembers
From: John Hinzman, Community Development Director
Date: February 16, 2021
Item: Resolution: Extension of Temporary Measures for Operation of Commerce - COVID-19

Council Action Requested:

Consider adoption of the attached resolution extending certain temporary measures for the operation of Commerce due to the COVID-19 Pandemic. A simple majority is necessary for action.

Background Information:

On May 18, 2020 the City Council adopted Resolution No. 05-08-20 approving certain temporary commercial measures due to the COVID-19 Pandemic. The measures identified expired on November 1, 2020.

Staff proposes the following changes to the adopted measures:

- 1) **Use of sidewalks for commerce** - No changes
- 2) **Conversion of public downtown planters to table seating** - Eliminate provision; has not been utilized
- 3) **Use of the TH 61 bridge plaza** - Facilities would be provided similar to last year
- 4) **Increase to the number of picnic tables along the riverfront and downtown** - Staff will continue to examine additional tables as warranted.
- 5) **Allow conversion of private parking lots into outdoor dining areas** - No changes
- 6) **Enforcement of temporary signage requirements would not be prioritized** - No changes
- 7) **Expansion of Sidewalk Cafes to contiguous areas without separation of the sidewalk** - Eliminated. Rules established through new parklet ordinance.

Financial Impact:

Allowance of continued temporary measures will assist in enhancing commercial opportunities for business operation during the pandemic.

Advisory Commission Discussion:

N/A

Council Committee Discussion:

N/A

Attachments:

- Resolution

**HASTINGS CITY COUNCIL
RESOLUTION NO. _____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HASTINGS
APPROVING TEMPORARY MEASURES FOR OPERATION OF COMMERCE**

Council member _____ introduced the following Resolution and moved its adoption:

WHEREAS, Minnesota Executive Order 20-01 Declaring a Peacetime Emergency and Coordinating Minnesota’s Strategy to Protect Minnesotans from COVID-19 was executed by the Governor on March 13, 2020 in response to the COVID-19 Pandemic; and

WHEREAS, subsequent Executive Orders executed by the Governor have restricted operation of commerce, causing financial hardship to the local economy; and

WHEREAS, on March 16, 2020 the City of Hastings declared a Public Health Emergency resulting from imminent health conditions caused by the presence of the Coronavirus Disease (COVID-19); and

WHEREAS, restrictions on the operation of commerce will be removed over time; however, adherence to social distancing requirements are likely to remain for some time; and

WHEREAS, in response to the Public Health Emergency, the City Council adopted Resolution No. 05-08-20 adopting temporary measures to provide additional opportunities for the operation of commerce that adhere to social distancing requirements; and

WHEREAS, Resolution No. 05-08-20 expired on November 1, 2020; and

WHEREAS, the Public Health Emergency continues and the City Council seeks to provide continued temporary commercial measures; and

WHEREAS, Hastings City Code Chapter 90.11 allows for the private use of public streets and parking lots including sidewalk areas.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HASTINGS AS FOLLOWS:

That the City Council of the City of Hastings hereby approves the following temporary measures:

- 1) **Use of Sidewalks for Commerce.** Businesses may use a portion of the public sidewalk in front of their business for the display of merchandise or to conduct commerce as outlined under Hastings City Code Chapter 90.11 under the following conditions:
 - a) Any service of food and beverages must adhere to Hastings City Code Chapter 90.16 - Sidewalk Cafes.
 - b) Businesses must provide a corridor or no less than four (4) feet along the sidewalk, building entrances and ADA accessible ramps.
 - c) Sidewalk display areas must be kept neat and tidy.
 - d) Must provide City with a waiver of indemnity from the businesses' insurance.
 - e) Completion of a Sidewalk Use Form with correct and complete business names of the building owners and operators, and the description of the area that will be used along with a waiver of indemnity from the business' insurance.
- 2) **Use of TH 61 Bridge Plaza.** City will provide tables, portable toilets, and hand washing facility in the plaza area under the TH 61 bridge. The City will determine if additional waste receptacles are needed. Use of the tables and space for commercial activity shall be prohibited. Consumption of alcohol shall be prohibited.
- 3) **Picnic tables along the riverfront and downtown.** City staff will assess the need for additional picnic tables along the Mississippi Riverfront to increase opportunities to enjoy take-out orders from restaurants
- 4) **Allow Conversion of Private Parking Lots into Outdoor Dining, Drive-thru, or pick-up and delivery area for take-out orders.** Allow conversion of up to 25% of required parking into outdoor dining areas upon submittal of a plan to the Community Development Department.
- 5) **Enforcement of temporary signage requirements will be not be prioritized.** Signs cannot impair visibility at intersections. Enforcement of the placement of numerous temporary signs in multiple locations throughout the City will continue.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF HASTINGS: The measures identified within this resolution shall expire on November 1, 2021 unless further extended by the City Council.

Council member _____ moved a second to this resolution, and upon being put to a vote it was adopted by all Council members present.

Adopted by the Hastings City Council on February 16, 2021, by the following vote:

Ayes:
Nays:
Absent:

Mary Fasbender, Mayor

ATTEST:

Erica Henderson, City Clerk

I HEREBY CERTIFY that the above is a true and correct copy of resolution presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the 16th day of February 2021, as disclosed by the records of the City of Hastings on file and of record in the office.

Erica Henderson, City Clerk

(SEAL)

This instrument drafted by:
City of Hastings (JH)
101 4th St. East
Hastings, MN 55033