

RESOLUTION NO. 11725

**EXTRACT OF MINUTES OF
MEETING OF THE CITY COUNCIL
OF THE CITY OF ROSEVILLE**

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Roseville, County of Ramsey, Minnesota, was duly held on 20th day of July, 2020, at 6:00 p.m.

The following members were present: Willmus, Laliberte, Groff, Etten, and Roe; and the following members were absent: None.

Member Groff introduced the following resolution and moved its adoption:

**RESOLUTION TO AMEND LOCAL EMERGENCY ORDER TO REQUIRE THE
USE OF FACE COVERINGS WITHIN THE CITY OF ROSEVILLE, MINNESOTA**

WHEREAS, on March 13, 2020 Governor Tim Walz declared a State of Minnesota peacetime emergency due to the COVID-19 pandemic through Executive Order 20-01; and

WHEREAS, the Mayor of Roseville on March 16, 2020 found that the following emergency situation exists:

- World Health Organization has declared a novel coronavirus- COVID-19 as a Pandemic.
- Cases of the COVID-19 continue to increase at a rapid rate, stressing the local healthcare system.
- Federal, State, and County Health Agencies have enacted social distancing mandates in an effort to reduce risk and stress on the healthcare system.
- The expectations on local resources and services will be stressed and there is a need to increase our local operations and spending capabilities to respond to the growing needs of the community we serve.; and

WHEREAS, on March 16, 2020, the Mayor declared that the situation constitutes a local emergency; and

WHEREAS, on March 16, the Roseville City Council adopted Resolution Number 11681 extending the local emergency until May 15, 2020 pursuant to Minn. Stat. § 12.29 and adopted a Resolution Number 11682 authorizing the City Manager to make any and all expenditures necessary to deal with local emergency on behalf of the City of Roseville, pursuant to Minn. Stat. § 12.37.; and

WHEREAS, on May 11, 2020, the Roseville City Council adopted Resolution Number 11695 extending the local emergency until such time the State of Minnesota peacetime state

emergency declaration is rescinded and the City Council adopts a resolution rescinding the local emergency; and

WHEREAS, the conditions giving rise to the State and local emergencies are expected to persist for an uncertain duration; and

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

WHEREAS, on June 28, 2020, the Centers for Disease Control (“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, 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.

BE IT RESOLVED by the City Council, pursuant to its local Emergency Powers under Minnesota Statutes Chapter 12, that:

1. The existing Emergency Declaration, as amended, remains in effect as drafted so long as the State of Minnesota remains under a Peacetime Emergency and until further Council action.

2. All individuals, while present within the City of Roseville, shall wear a face covering in indoor areas accessible to the public, unless specifically exempted herein.

“Indoor areas accessible to the public” shall include:

Restaurants and Bars. These establishments shall include in their COVID-19 Preparedness Plan that all customers are required to wear a face covering when not seated at a table.

Spaces of Public Accommodation. Owners and managers of spaces of public accommodation must include in their COVID-19 Preparedness Plan that all employees are required to wear a face covering when the individual is within any area open to the public or within six feet of another person. Customers of these establishments shall be required to wear a face covering before entering the spaces of public accommodation and must wear the face covering until exiting.

Public Transportation. Users of public transportation are required to wear a face covering before boarding a bus and wear the face covering until the user exits the bus.

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.

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.

City Facilities. All users of City of Roseville facilities shall wear a face covering at all times while within the premises of such facilities.

3. **Exemptions.** This Order does not apply to:
 - a. Facilities operated by the County, State or Federal Government.
 - b. Personal Care Services/Salons that already have State face covering requirements.
 - c. Medical facilities that already have face covering requirements.
 - d. Children 5 years of age or younger.
 - e. Individuals actively eating or drinking.
 - f. Individuals temporarily removing the face covering for identification purposes.
 - g. Individuals unable to wear a face covering due to medical, disability, or developmental reasons.
 - h. 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.
 - i. Individuals speaking to someone who is deaf or hard of hearing and requires the mouth to be visible to communicate.
 - j. Participants in youth sports, as defined by the City of Roseville, are exempt from this

- Order but subject to all requirements under the State's Executive Orders.
- k. Indoor athletic facilities shall follow CDC and Minnesota Department of Health guidelines. Patrons are not currently 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.
 - l. Places of worship.
 - m. Public and private school facilities.

4. **Enforcement.** This Order shall be enforced as follows:

- a. Any individual who fails to comply with this Order shall be instructed to either comply with this Order or leave the property by an authorized representative of the business or organization and, if present, law enforcement personnel. If the subject individual refuses to comply with such lawful demand, law enforcement personnel are authorized to enforce any relevant and applicable state law or city code, including but not limited to trespassing laws.
 - b. The City of Roseville reserves the right to enforce any relevant and applicable state law or city code by way of Ramsey County District Court complaint or citation or as an administrative offense under Chapter 102 of City Code.
 - c. 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.
 - d. Any business violating this Order shall be subject to administrative action for any licenses they possess with the City.
5. 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.
6. 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 Roseville 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.
7. 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.

8. 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.
9. 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.
10. 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.
11. 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.
14. This amended order takes effect at 12:01 a.m. on July 27, 2020 and continues 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.

The motion was duly seconded by Member Willmus and upon vote being taken thereon, the following voted in favor thereof Willmus, Laliberte, Groff, Etten, and Roe; and the following voted against: None.

WHEREUPON said resolution was declared duly passed and adopted.

STATE OF MINNESOTA)
(COUNTY OF RAMSEY)

I, the undersigned, being the duly qualified City Manager of the City of Roseville, County of Ramsey, State of Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a regular meeting of said City Council held on the 20th day of July, 2020, with the original thereof on file in my office.

WITNESS MY HAND officially as such Manager this 20th day of July, 2020



Patrick Trudgeon, City Manager

(SEAL)