

***Agenda***

**City of Minnetonka**

**Emergency Meeting**

**Monday, June 1, 2020**

**4:00 p.m.**

**Webex**

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1. Roll Call: Schack-Carter-Calvert-Schaeppi-Coakley-Kirk-Wiersum
2. Items relating to emergency declaration and curfew:
  - A) Resolution consenting to mayor's declaration of local emergency; extending the period of the local emergency and authorizing certain actions
  - B) An Emergency Ordinance establishing a temporary nighttime curfew

Recommended action: Adopt the resolution and ordinance

3. Adjournment

**City Council Agenda Item #2  
Meeting of June 1, 2020**

**Brief Description:** Items relating to emergency declaration and curfew:

- A) Resolution consenting to mayor's declaration of local emergency; extending the period of the local emergency and authorizing certain actions
  
- B) An Emergency Ordinance establishing a temporary nighttime curfew

**Recommended Action:** Adopt the resolution and ordinance

**Background**

On May 25, 2020, George Perry Floyd died while in the custody of the Minneapolis Police Department. The death of Mr. Floyd has sparked widespread civil unrest, not only in the cities of Minneapolis and St. Paul, but in major cities across the United States. Several cities within the Twin Cities metropolitan area experienced incidents and threats of civil unrest, including looting, destruction of property, and unlawful gatherings of large crowds.

As a result of the widespread unrest, Governor Tim Walz declared a state of peacetime emergency and established a temporary nighttime curfew and extended the temporary nighttime curfew. Additional extensions are possible. Numerous cities in the Twin Cities metropolitan area have declared emergencies and established temporary nighttime curfews.

On May 30, 2020, Mayor Brad Wiersum declared a local state of emergency, which is in effect for three days. A nighttime curfew was instituted from 8 p.m. to 6 a.m. from Saturday, May 30, 2020 through the morning of Monday, June 1, 2020. The city council is requested to adopt the attached resolution consenting to the mayor's declaration of local emergency and extending the period of the local emergency until rescinded by the city council.

In addition to the resolution, the city council is requested to adopt an emergency ordinance that would institute a nighttime curfew between the hours of 10 p.m. and 4 a.m. of each day beginning June 1, 2020. This would remain in effect until the city council rescinds the above-noted resolution, at which point the curfew is automatically terminated. Section 4 of the ordinance includes a provision to suspend enforcement of the ordinance prior to that if circumstances warrant, pursuant to city code.

**Recommendation**

Staff recommends the adoption of the resolution and ordinance.

Submitted through:  
Geraldyn Barone, City Manager

Originated by:  
Corrine Heine, City Attorney

## City of Minnetonka

### Declaration of Emergency and Emergency Order No. 2020-02

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The mayor of the City of Minnetonka, Minnesota, makes the following declaration and order, pursuant to the authority given by Minnesota Statutes, Section 12.29 and Section 2.07 of the Minnetonka City Charter:

#### Section 1. Background.

1.01 On May 25, 2020, George Perry Floyd died while in the custody of the Minneapolis Police Department.

1.02. The cities of Minneapolis and St. Paul, Minnesota have experienced widespread civil unrest since May 26, 2020, including arson, rioting, looting, and damage to public and private property. Those violent and destructive acts have placed public safety at risk and resulted in near catastrophic property damage in those cities. The mayors of both Minneapolis and St. Paul have declared a state of local emergency for their cities and have established temporary nighttime curfews.

1.03. In response to the death of Mr. Floyd, several other cities in the Twin Cities metropolitan area have experienced incidents and threats of civil unrest, including looting, destruction of property, and unlawful gatherings of large crowds. Numerous metropolitan cities have declared a state of local emergency and established temporary nighttime curfews in response to those incidents and threats.

1.04. On May 28, 2020, by Executive Order 20-64, Governor Tim Walz declared a peacetime emergency and activated the Minnesota National Guard. The following day, Governor Walz issued Executive Order No. 20-65, implementing a temporary nighttime curfew in the Cities of Minneapolis and St. Paul. Despite those orders, destruction and violence has continued. On May 30, 2020, Governor Walz announced that, for the first time in the state's history, he was authorizing full mobilization of the Minnesota National Guard, because "no mayor in America ... has the resources to push back against an organized attempt to destabilize civil society with no regard for life or property."

1.05 The city manager, emergency management director, and chief of police expect that violent and destructive acts of civil unrest will continue in the Twin Cities metropolitan area and have advised that conditions within Minnetonka have the potential to worsen quickly and without notice.

1.06. The situation is sudden, unforeseen and could not have been reasonably anticipated. The situation threatens the health, safety and welfare of the residents of Minnetonka and property within the city.

1.07. Traditional governmental processes are unable to protect the health, safety, welfare and property of the public, and the provision and delivery of city services is threatened.

1.08 The situation poses the risk of causing catastrophic loss of life and property if not immediately addressed.


#### Section 2. Declaration and Order.

2.01 Under the authority given by Minnesota Statutes, Section 12.29, as Mayor of the City of Minnetonka, I declare that a local emergency exists within the City of Minnetonka, effective as of 1:00 p.m. on May 30, 2020 and that such emergency constitutes a declared emergency pursuant to Section 900.025 of the Minnetonka City Code.

- 2.02. This declaration of a local emergency invokes the City's Emergency Operations Plan. To the extent that state laws and city policies and procedures impede an efficient response or compliance with federal and state directives and recommendations, the city manager, emergency management director, chief of police and their designees are hereby authorized to suspend compliance with those laws, policies and procedures as authorized by Minnesota Statutes, Section 12.32, and to take those actions necessary to protect the public health, safety, and welfare.
- 2.03 Pursuant to the authority granted by City Code Section 900.030, as mayor of the City of Minnetonka, I hereby order and adopt a regulation imposing a city-wide curfew on all public places, including streets, in the city of Minnetonka during the following time frames:
1. Nighttime Curfew. A curfew is imposed in all public places within the City of Minnetonka during the following times:
    - a. From 8:00 pm on Saturday, May 30, 2020 until 6:00 am on Sunday, May 31, 2020.
    - b. From 8:00 pm on Sunday, May 31, 2020 until 6:00 am on Monday, June 1, 2020.
  2. Travel Prohibited. During this curfew, all persons must not travel on any public street or in any public place unless required to do so for work.
  3. Exemptions. All law enforcement, fire, and medical personnel and members of the news media, as well as other personnel authorized by the City of Minnetonka, Minnesota Department of Public Safety, Minnesota State Patrol, or Minnesota National Guard, are exempt from the curfew. Individuals seeking emergency care, fleeing dangerous circumstances, or experiencing homelessness are also exempt.
  4. Definitions.
    - a. For the purposes of this order, "travel" includes, without limitation, travel on foot, bicycle, skateboard, scooter, motorcycle, automobile, public transit, or any other mode of transporting a person from one location to another.
    - b. For the purposes of this order, a "public place" is any place, whether on privately or publicly owned property, accessible to the general public, including but not limited to public streets and roads, alleys, highways, driveways, sidewalks, parks, vacant lots, and unsupervised property.
  5. Enforcement. I urge all persons to voluntarily comply with this order. Pursuant to Minnesota Statutes, section 12.45 and City Code, an individual who willfully violates this order is guilty of a misdemeanor.
- 2.04. This emergency declaration shall continue for a period of three (3) days from its effective date of May 30, 2020, unless further extended by or with the consent of the City Council pursuant to Minnesota Statutes, Section 12.29, subd. 1.

2.05. This declaration shall be given prompt and general publicity, and it shall be filed promptly by the city clerk.

Dated: May 30, 2020

DocuSigned by:  
  
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Brad Wiersum, Mayor

**Resolution No. 2020-\_\_\_\_**

**Resolution consenting to mayor's declaration of local emergency;  
extending the period of the local emergency and authorizing certain actions**

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Be it resolved by the City Council of the City of Minnetonka, Minnesota as follows:

Section 1. Background.

- 1.01. By Emergency Executive Order 20-64, Governor Tim Walz has declared a Peacetime State of Emergency to address civil unrest in the Cities of Minneapolis and St. Paul, which arose from the death of George Perry Floyd while in the custody of the Minneapolis Police Department.
- 1.02. Numerous suburban cities in the Twin Cities area have also declared states of local emergency.
- 1.03. By Declaration of Emergency and Emergency Order 2020-02, Mayor Brad Wiersum has declared that a local emergency exists due to the state of civil unrest.
- 1.04. The city council of the City of Minnetonka agrees with the mayor's findings and finds that the emergency will last for more than three days.

Section 2. Council Action.

- 2.01. The city council consents to the declaration of a local emergency and declares that the local emergency will continue in effect until rescinded by the Minnetonka city council.
- 2.02. This resolution invokes the City's Emergency Operations Plan for the duration of the emergency. The portions that are necessary for response to and recovery from the civil unrest emergency are hereby authorized, including but not limited to all appropriate community containment and mitigation strategies.

Adopted by the City Council of the City of Minnetonka, Minnesota, on June 1, 2020.

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Brad Wiersum, Mayor

Attest:

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Becky Koosman, City Clerk

**Action on this resolution:**

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at an emergency meeting held on June 1, 2020.

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Becky Koosman, City Clerk

## Ordinance No. 2020-\_\_

### An Emergency Ordinance establishing a temporary nighttime curfew

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The City of Minnetonka Ordains:

#### **Section 1. Preamble**

On May 25, 2020, George Perry Floyd died while in the custody of the Minneapolis Police Department. The death of Mr. Floyd has sparked widespread civil unrest, not only in the cities of Minneapolis and St. Paul but in major cities across the United States. Several cities within the Twin Cities metropolitan area experienced incidents and threats of civil unrest, including looting, destruction of property, and unlawful gatherings of large crowds. As a result of the widespread unrest, Governor Tim Walz has declared a state of peacetime emergency and has established a temporary nighttime curfew, by Executive Order Nos. 20-64 and 20-65. The governor has extended the temporary nighttime curfew by Executive Order Nos. 20-68 and 20-69, and additional extensions are possible. Numerous cities in the Twin Cities metropolitan area have declared emergencies and established temporary nighttime curfews. On May 30, 2020, Mayor Brad Wiersum declared a local state of emergency, to which the Minnetonka City Council has consented by adopting Resolution No. 2020-\_\_\_. This emergency ordinance is adopted pursuant to Section 900 of the City Code in order to regulate the conduct of persons, safeguard essential public services, and protect the public safety, health and welfare of the community.

#### **Section 2. Temporary Nighttime Curfew**

- 2.01. Nighttime Curfew. A curfew is imposed in all public places within the City of Minnetonka between the hours of 10:00 p.m. and 4:00 a.m. of each day beginning June 1, 2020 and continuing until the city council rescinds Resolution No. 2020-\_\_\_, at which point the curfew is automatically terminated.
- 2.02. Travel Prohibited. During this curfew, all persons must not travel on any public street or in any public place unless required to do so for work.
- 2.03. Exemptions. All law enforcement, fire, and medical personnel and members of the news media, as well as other personnel authorized by the City of Minnetonka, Minnesota Department of Public Safety, Minnesota State Patrol, or Minnesota National Guard, are exempt from the curfew. Individuals seeking emergency care, fleeing dangerous circumstances, or experiencing homelessness are also exempt.
- 2.04. Definitions.
  - a. For the purposes of this order, "travel" includes, without limitation, travel on foot, bicycle, skateboard, scooter, motorcycle, automobile, public transit, or any other mode of transporting a person from one location to another.
  - b. For the purposes of this order, a "public place" is any place, whether on privately or publicly owned property, accessible to the general public, including but not limited to public streets and roads, alleys, highways, driveways, sidewalks, parks, vacant lots, and unsupervised property.



**Section 3. Penalty.**

Pursuant to Minnesota Statutes, section 12.45 and City Code Section 900.55, an individual who willfully violates this ordinance is guilty of a misdemeanor.

**Section 4. Authority to Suspend Enforcement**

The mayor, acting in consultation with the city manager, emergency management director and chief of police, is authorized to direct the Minnetonka Police Department to suspend enforcement of this ordinance at any time after the expiration of State of Minnesota Executive Order No. 20-69 or any extension of that order, by the adoption of an order pursuant to City Code Section 900.

**Section 5 Effect**

This emergency ordinance supersedes inconsistent or conflicting provisions of the City Code and any resolution or ordinance while this emergency ordinance remains in effect.

**Section 5. Duration**

This emergency ordinance is effective immediately upon adoption and shall expire sixty-one (61) days after its effective date or upon the expiration of the local emergency to which it relates, whichever comes first.

Adopted by the city council of the City of Minnetonka, Minnesota, on June 1, 2020.

\_\_\_\_\_  
Brad Wiersum, Mayor

Attest:

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Becky Koosman, City Clerk

**Action on this Ordinance:**

Date of introduction: Not applicable

Date of adoption:

Motion for adoption:

Seconded by:  
Voted in favor of:  
Voted against:  
Abstained:  
Absent:  
Ordinance adopted.

Date of publication:

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota, at an emergency meeting held on June 1, 2020.

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Becky Koosman, City Clerk