

**CITY OF VERONA
PUBLIC SAFETY AND WELFARE COMMITTEE
AUGUST 12, 2020
VERONA CITY HALL
MINUTES**

1. Call to order: Heather Reekie called the meeting to order at 5:30 p.m.
2. Roll Call: Heather Reekie and Katie Kohl and were present. Also present: Police Chief Bernie Coughlin, Sergeant Jesse Christensen, and City Clerk Ellen Clark. Evan Touchett was absent and excused.
3. Approval of Minutes: Motion by Reekie, seconded by Kohl, to approve the minutes from the July 27, 2020 Public Safety and Welfare Committee meeting. Motion carried 2-0.
4. Discussion and Possible Action Re: A temporary premises description amendment for Toot & Kate's, LLC, d/b/a Toot & Kate's Wine Bar, 109 S. Main Street, to include additional space on the front stoop area of the building and the sidewalk terrace.

Coughlin stated this is the same sort of request that was made by Toot & Kate's at the June 8, 2020 Public Safety and Welfare Committee meeting. The concern with this request is putting people next to passing traffic, and that the terrace and sidewalk will be blocked. A certificate of insurance and indemnification of the City could be considered as contingencies. Another option is putting an ordinance in place that would cover outdoor seating for bars and restaurants across the entire City.

Kohl stated there is no parking allowed along the street in the area where they are planning to set up terrace seating, and there is very little traffic in that area in the evenings when the business is open. She is concerned about them going out of business. She stated her understanding is that they would be using small tables with only two chairs, and would probably not block the sidewalk.

Coughlin stated small tables limited to two chairs may not block the sidewalk.

Reekie asked if approval of this request would add an additional table on the stoop in front of the stores, as well.

Coughlin replied that it would add an additional table on the stoop area.

Sayre stated if fencing is installed between the terrace and the street, Toot & Kate's will be installing it. He does not think there is enough room for fencing without moving the tables onto the sidewalk.

Coughlin stated the poles are mounted in the middle of the terrace. The fence would have to be mounted adjacent to the curb line without going over the curb. He assumes the fence would be metal, and approximately four feet tall, similar to what Race Day Events uses for their special events. A fence will not provide customers protection from cars hitting the fence.

Reekie asked whose liability it would be if someone fell into the street or were hit by a car.

Sayre replied if someone were hurt, their attorney would sue everyone possible, and the City would certainly be included in that.

Coughlin replied drivers move into the right turn lane early if the other lane is full, which brings them closer to the curb.

Coughlin stated we're trying to help businesses as much as we can, but this business has many limitations as to how much room they have to use outside. The stoop area, except for the one additional table requested in front of Goochi Poochi, has already been approved.

Reekie stated she is not comfortable with the terrace seating. There is not enough space for tables and chairs. She is in favor of adding additional tables on the stoop.

Kohl stated they are not allowed to have anyone inside the business.

Coughlin replied the certificate of insurance and indemnification of the City should be requirements of approval.

Sayre read language to be used in an agreement with owners to require liability insurance and indemnification of the City: "The operator and the property owner of an establishment that operates a temporary dining, sales, or display area located in the public right of way or on public lands under this Resolution shall hold the City harmless for any personal injury or property damage resulting from the existence or operation of, and the condition and maintenance of, the right-of-way upon which the temporary outdoor dining, sales, or display area is located, and shall furnish evidence of general liability insurance in the amount of one million dollars (\$1,000,000.00) per person and two million dollars (\$2,000,000.00) per occurrence with the City as additional named insured."

Coughlin stated he would also add a date for this request to expire, and suggested November 15th.

Sayre stated it would be in the City's best interest to add the liability insurance and indemnification of the City as contingencies for approval of the request.

Reekie stated she is more comfortable with this if the indemnification is included.

Reekie asked for a contingency that the applicant ensure the sidewalk will not be blocked by the tables and chairs at any time. Kohl agreed.

Motion by Reekie, seconded by Kohl, to recommend to Common Council to approve a temporary premises description amendment for Toot & Kate's, LLC, d/b/a Toot & Kate's Wine Bar, 109 S. Main Street, to include additional space on the front stoop area of the building and the sidewalk terrace, contingent upon the following:

1. Only the terrace area of the sidewalk will be used for seating
2. Liability insurance and indemnification of the City as recommended by the City Administrator and City Attorney will be in place
3. The premises description amendment will be effective until November 15, 2020

Motion carried 2-0.

5. Discussion and Possible Action Re: Ordinance No. 20-967 amending Section 10-1-27 of the Code of Ordinances of the City of Verona. Motion by Reekie, seconded by Kohl to postpone discussion on Ordinance No. 20-967 amending Section 10-1-27 of the Code of Ordinances of the City of Verona to a future meeting, as there is some consideration being given to extending the no parking area on Nine Mound Road.

Sayre stated a comment was received from a business owner on Nine Mound Road regarding extending the no parking area there. The City has to be conscious of the needs of other business owners in the area, as well. It may take some time to research this and formulate a recommendation to the Committee.

6. Adjournment: Motion by Kohl, seconded by Reekie, to adjourn at 5:56 p.m. Motion carried 2-0.

Ellen Clark, City Clerk