

RESOLUTION #2020-98

**AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE
LICENSE AGREEMENTS TO USE PUBLIC RIGHT-OF-WAYS
FOR TEMPORARY ALFRESCO DINING & ALCOHOL SERVICE FOR
LICENSED BUSINESSES OUTDOOR SEATING AREAS
ON SIDEWALKS & PARKING SPACES TO REBOUND
FROM COVID-19 VIRUS PANDEMIC ADJACENT TO
BUSINESS BUILDING LOCATIONS BY AND BETWEEN
THE CITY OF PARK RAPIDS AND INDIVIDUAL BUSINESSES
IN PARK RAPIDS, HUBBARD COUNTY, MINNESOTA**

WHEREAS, the 2020 COVID-19 Pandemic has resulted in substantial diminution and closure of many businesses in Park Rapids, Hubbard County, State of Minnesota and the United States; and,

WHEREAS, the City Council of the City of Park Rapids Minnesota (City) has found it essential to allow, upon lifting of the State of Minnesota restrictions for the closure of restaurants and bars for dine in services, to permit through licensure for outdoor seating and use of the public Right-of-Way to encourage the limitation of direct human interactions and to implement best practices for social distancing table and seating arrangements for use of both indoor and outdoor dining by the creation of a temporary alfresco outdoor seating and dining regulations specifically for the use of public sidewalks and parking spaces in the public right-of-way; and,

WHEREAS, the City Council of the City of Park Rapids finds that it is in the best interest of the public health, safety, and welfare of its community to adopt these temporary measures immediately upon passage in response to the COVID-19 pandemic in accordance with the provisions authorized by Minnesota Statutes for private use of public rights-of-way.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Park Rapids, Hubbard County, Minnesota, hereby authorizes the City Administrator, on behalf of the Council of the City of Park Rapids, to execute "License Agreements" to use the public right-of-way by and between the City of Park Rapids and individual business, for use of the sidewalk and/or parking spaces in the public right-of-way, adjacent to existing licensed restaurants and bars, for the installation of privately owned furniture and fixtures, for the creation of alfresco dining outdoor table seating areas immediately adjacent to and/or in close proximity to such businesses, through application by individual business owners for "License Agreements" specifically in accordance with the following standards:

1. Application on a form provided by the City shall be made by local restaurant and bar business owner for temporary administrative approval by the City Administrator to enter into a License Agreement for encroachment use of public right-of-way sidewalk and parking spaces in an agreement form to be prepared by the City of Park Rapids.

2. The administrative approval by the City Administrator for use of public sidewalk/on-street parking areas shall include a site plan for outdoor alfresco dining seating areas to be approved in accordance with CDC recommended social spacing distance guidelines, as may be approved and amended herein after adoption of this resolution and ending no later than October 31st, 2020.
3. A License Agreement may be approved for the temporary use of parking and/or sidewalk area in accordance with an approved plan. No obstruction in the right-of-way may capture nor occupy more than six (6) existing parking spaces adjacent to, or in close proximity to a parcel boundary for one or more License Agreements, meaning two (2) or more business owners may share in the creation of an alfresco dining outdoor seating areas and designated curb-side pick-up areas for use of such space with the City Administrator's approval of the license agreement. No license agreement(s) may be approved for the occupancy of more than six (6) contiguous parking spaces. If such areas extend beyond the direct frontage of a business into the diagonal parking space areas in the downtown business area, the applicant shall make reasonable accommodation with the adjoining business owner so as to provide a fair and equitable use of the fronting public parking spaces. The final decision on the approved spaces allowed to be occupied with the plan shall remain with the City.
4. If the sidewalk area adjacent to the business is approved for obstruction with an approved License Agreement, the plan shall be submitted which shows a temporary re-location of the sidewalk at the same grade as the existing sidewalk into the street parking area maintaining a minimum pedestrian width of six (6) feet. A temporary reorientation of the street parking configuration (i.e. change from angle to parallel parking) may occur during the term of the temporary License Agreement.
5. The City shall be named as additional insured with agent certificate on file for general liability in the amount of \$1,000,000 per occurrence for the term of the License Agreement.
6. The City shall be named as additional insured with agent certificate on file for liquor liability (Dram Shop) in the amount of \$1,000,000 per occurrence for the term of the License Agreement only in conjunction with an existing approved liquor license.
7. The License Agreement shall be terminated by the City with or without cause, for any violations resulting from the business operations during the term of the License Agreement.
8. There shall be a \$5.00 temporary fee for application of the License Agreement for the term approved in the 2020 season through October 31, 2020.
9. The licensed area shall be clearly marked and defined with the erection of a fence and/or physical barrier.
10. No smoking shall be allowed in the licensed area. Posting of appropriate signage of such is a requirement of said license agreement.
11. The hours of operation for alcohol service in the license area shall be governed by Minnesota Statute 340A.504, and City Code Sections 91.022 and 91.063. Hours for food service in the licensed area shall be set by the business owner.
12. Any auxiliary music in the licensed area must be terminated by 10:00 p.m. and the volume of music is subject to Park Rapids City Code, Section 92.04.

June 3, 2020

The foregoing resolution was moved by Councilmember _____, seconded by Councilmember _____.

The following Councilmembers voted in favor:

The following Councilmembers voted nay:

The following Councilmembers absent:

(seal)

Mayor Ryan Leckner

Attest:

Margie M. Vik
City Clerk

Adopted this 3rd day of June 2020.