



AGENDA ITEM #10.1.B

REPORT TO CITY COUNCIL

Report Prepared by: Nancy Malecha

Date: June 2, 2020

Subject: COVID-19 Pandemic Considerations – Outdoor Seating Options for Bars & Restaurants

Report: Attached is a legal opinion from Crow Wing County Attorney, Donald Ryan, regarding implementation guidelines to consider if/when allowing bars & restaurants to temporarily extend their licensed premises outside due to the Governor's Executive Order 20-56. City Staff is in the process of contacting Joe's Pizza, Lakes Latte, Lucky's Tavern, and Latte' Da to determine if they would find value in the City allowing outdoor seating on the City parking lot (north of Joe's Pizza) and on one block of Government Drive (west of Lakes Latte, Lucky's Tavern, and Latte' Da).

I will provide the Council with a verbal update on this feedback at the Council Meeting. Also, the City's Police Chief, Public Works Director, and Insurance Agent have no concerns with the temporary closure of these areas.

Council Action Requested: Council motion to temporarily close the City parking lot (north of Joe's Pizza) and one block of Government Drive (west of Lakes Latte, Lucky's Tavern, and Latte' Da) to allow for temporary expansions of licensed premises outside due to the Governor's Executive Order 20-56.



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May 21, 2020

Debby Erickson
Administrative Services Director
326 Laurel Street
Brainerd, MN 56401

Dear Director Erickson:

On May 20, 2020 Governor Walz's announced, consistent with Executive Order 20-56, that Bars and Restaurants will be allowed to begin to partially open for as of June 1, 2020. The reopening is going to be a phased in process beginning with allowing outside seating only in phase 1. In doing so Governor Walz called upon municipalities and licensing entities to be creative in working with these business as they reopen to assist in providing financial stability to them. Balancing COVID-19 public health requirements with supporting our local businesses, and consistent with Governor Walz's executive orders, it is my opinion that Crow Wing County can and should implement the following as of June 1, 2020:

- 1) Allow all liquor license holders to temporarily extend their licensed premises outside as long as it is compact and contiguous. This would include the expansion of current outside licensed premises areas.
- 2) In order to get a temporary premises extension, a license holder must apply with Crow Wing County Administrative Services and received approval for their plan.
- 3) The application can be in letter format and must include a diagram of the temporary extended premises to be created. This is to include at least measurements in feet showing the perimeter of the temporary extended area, entrance/exit, table layout and how the area relates to the overall foot print of the original licensed premises/property.
- 4) The entire perimeter of the temporary extended premises must be attached to the original licensed premises and enclosed (roped off, temporarily fenced in or chained off) so access (entering/exiting) is controlled. When possible it is preferred this be through the original licensed premises.
- 5) The designated temporary extended premises must remain for the duration of the time allowed (i.e. if a parking lot is a temporary extended premises, the license holder can't change back and forth from parking lot to temporary extended premises).
- 6) Appropriate and Adequate off street parking to accommodate customer parking must be maintained at all times.

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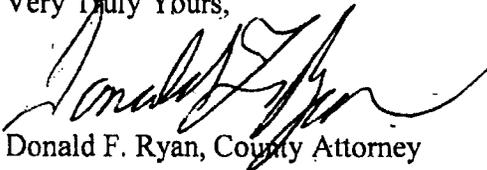
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- 7) License holder must also provide Crow Wing County Administrative Services a current Certificate of Liquor Liability showing that the liquor liability insurance coverage will extend to the temporary extended premises for the duration of the time allowed.
- 8) The temporary extension of premises will be allowed from the date granted by Crow Wing County Administrative Services through October 31, 2020 unless further extended.
- 9) All aspects of Governor Walz's Executive orders, as well as CDC and MN Dept. Health requirements must also be complied with as part of the temporary premises extension.

Should you have any questions or concerns about the above legal opinion, please feel free to contact me at any time.

Very Truly Yours,



Donald F. Ryan, County Attorney

DFR:lm