

**AGENDA
PARK RAPIDS CITY COUNCIL SPECIAL MEETING
WEDNESDAY, MAY 6, 2020, 5:00 PM
PARK RAPIDS CITY COUNCIL CHAMBERS
VIA TELEPHONE
PARK RAPIDS, MINNESOTA**

**Phone: 218-547-0500
Code: 130529**

- 1. CALL TO ORDER**

- 2. ROLL CALL**

- 3. GENERAL BUSINESS:**
 - 3.1. Resolution to Appoint Jeremy Jude as Full Time City Accountant/Treasurer for the City of Park Rapids

 - 3.2. Restaurant Sidewalk Cafes During COVID-19

- 4. ADJOURNMENT**

RESOLUTION #2020-

**APPOINTING JEREMY JUDE AS
FULL TIME CITY ACCOUNTANT / TREASURER
FOR THE CITY OF PARK RAPIDS**

WHEREAS, the City Council is appointing Jeremy Jude to the position of Full Time City Accountant/Treasurer for the City of Park Rapids, effective May 26th, 2020, as per the recommendation of the designated hiring committee, subject to an executed employment agreement, and contingent upon a positive background check; and,

WHEREAS, the City Council is interested in establishing the wages and benefits for the position in accordance with Minnesota Statutes, the City of Park Rapids Personnel Policies, and the adopted pay equity scales. This position does include a benefit package and is subject to a six (6) month probationary period.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Park Rapids, Hubbard County, Minnesota, is appointing Jeremy Jude, as per the hiring committee's recommendation, to the position of full time City Accountant/Treasurer, with an effective starting date of May 26th, 2020, and continuing thereafter in accordance with this resolution and city policies.

BE IT FURTHER RESOLVED, that the City Council of the City of Park Rapids, Hubbard County, Minnesota, is establishing that the wage for Jeremy Jude will be \$27.36 per hour, at Step Five (5) of the city's comprehensive pay step schedule for the City Accountant/Treasurer position, and is subject to a six (6) month probationary period, as per the city's personnel policies. Job duties are established in the job description for City Accountant/Treasurer, approved by the City Council on March 24th, 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)

Attest:

Mayor Ryan Leckner

Margie M. Vik
City Clerk

Adopted this 6th day of May 2020.

RESOLUTION #2020-___

**AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE
LICENSE AGREEMENTS TO USE PUBLIC RIGHT-OF-WAYS
FOR TEMPORARY ALFRESCO DINING 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 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, by 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 upon lifting of the Minnesota Governor's indoor restaurant and bar closure orders 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 31, 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 four (4) 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 area 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 four (4) contiguous parking spaces.
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 Coverage) with license agreement in the additional amount of \$1,000,000 per occurrence for up to a one (1) to three (3) day temporary special event license, if separately approved by the City Council. Up to a maximum of 12 calendar days total per business may be approved for a temporary liquor license by the City Council in connection with a License Agreement.
7. The License Agreement shall provide for a 2 week notice for cancellation 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 \$100 temporary fee for application of the License Agreement for the term approved in the 2020 season through October 31, 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 6th day of May 2020.

City of Park Rapids

Request for Council Action

<u>Originating Source:</u> City Planner, Andrew Mack, AICP	<u>Meeting Date:</u> May 6, 2020	<u>Agenda No.</u>
<u>Agenda Section:</u> Planning	<u>Item Topic:</u> Resolution License Agreements to use Public Right-of-Ways for Temporary Alfresco Dining Outdoor Seating Areas on Sidewalks and Parking Spaces to Rebound from COVID 19 Virus Pandemic	
<u>Background</u> At its April 2, 2020 meeting a discussion was held regarding conversations held at a recent Heartland Lakes Development Authority meeting regarding the possibility of creating a temporary order by the City Council to help restaurants and bars rebound from shut down orders by the Minnesota Pandemic Emergency Declaration. Although the extended closure orders have become a moving target, the intent of this discussion was to provide some level of opportunity to provide increased social distancing measures by permitting outdoor seating onto the public sidewalk and/or parking areas upon lifting of the orders. The primary intent of this resolution is to provide opportunity for downtown businesses where outdoor seating possibilities are very limited or non-existent on private property. There may also be other businesses in the City Limits where this may be applicable. The summary of the main provisions proposed to be adopted on a temporary basis to address this opportunity for individual business at the beginning of the area tourism season are as follows: <ul style="list-style-type: none">• Applications may be made by local restaurant and bar business owner for temporary administrative approval of a License Agreement by for encroachment use of public right-of-way sidewalk and parking spaces upon lifting of the Minnesota Governor's Emergency Order temporarily closing indoor dining in restaurants and bars.• Applications must include a site plan for alfresco outdoor seating areas for administrative approval.• Temporary License Agreements will be authorized to run through October 31, 2020.• Approved plans in the right-of-way may capture and occupy up to 4 contiguous parking spaces adjacent to, or in close proximity to a parcel boundary for one or more License Agreements, meaning 2 or more business owners may share in the creation of an alfresco outdoor dining seating areas.• If the sidewalk area adjacent to the business is approved for obstruction with a License Agreement, the plan must provide a temporary re-location of the sidewalk at the same level of the sidewalk into the street parking area maintaining a minimum pedestrian width of six (6') feet.• The City must be named as additional insured with general liability in the amount of \$1,000,000.• Additional insurance for liquor liability (Dram Shop Coverage) in the amount of \$1,000,000 per occurrence must be provided for up to a one (1) to three (3) day temporary special event liquor license for the alfresco outdoor seating area, when additionally approved by the City Council up to a maximum of 12 calendar days through October 31, 2020 for each business based upon current City Laws.• \$100 application fee for alfresco outdoor License Agreement for the 2020 season.		
<u>Council Action Recommendation:</u> City Staff recommends approval of the resolution.		