

RESOLUTION NO. R2020-074

A RESOLUTION APPROVING A CLOSURE OF FIRST AVENUE EAST BETWEEN LEWIS AND HOMLES STREETS AND ALLOWING THE TEMPORARY SUSPENSION OF CITY ORDINANCE 114.11(A) FOR VARIOUS RESTAURANTS AND BARS TO SERVE IN THE PUBLIC ROW OR IN PARKING SPACES AND APPROVAL OF CERTAIN EXTENSION OF PREMISES

WHEREAS, the City of Shakopee (“City”) is supportive of its small businesses; and

WHEREAS, the small business community, and in particular the bars and restaurants in the historic downtown have been severely impacted by the closures required to protect the health of the public as part of COVID-19; and

WHEREAS, the Minnesota Governor is opening the state in phases and restaurants and bars can have outdoor tables and chairs; and

WHEREAS, the City is making every effort to support local restaurants and bars during these difficult times; and

WHEREAS, the City finds that closing First Avenue East will allow a number of businesses to have adequate and safe seating in the public right of way; and

WHEREAS, the City is also allowing the serving of alcohol at the locations listed subject to certain conditions.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Shakopee as follows:

1. The City is closing vehicular access to First Avenue East between Lewis and Holmes Streets twenty-four hours a day until such time that the City Administrator decides that it is no longer necessary to meet the governor’s rules and regulations.
2. The City Administrator is authorized to permit use and enter into temporary agreements for the use of public spaces on First Avenue East, public parking lots and parking spaces on other city streets.
3. The City temporarily suspends Ordinance 114.11 (A) to allow alcohol service in the public rights of way, parking spaces and parking spaces in private parking lots.
4. All bars and restaurants with private parking lots are permitted to provide outdoor service in a privately owned parking lot which is compact and contiguous to their establishment provided they have appropriate permission from the owner of the private property. Any bar and restaurant providing outdoor service is asked (a) to contact the City and provide a diagram of their proposed seating layout to ensure safety and maintenance of drive and fire

lanes and (b) provide a point of contact for city staff. City staff will monitor outdoor service and work with bars and restaurants if safety issues are identified.

5. All tents must be permitted as required in City Code.
6. The City temporarily extends the defined premises of all on sale liquor licenses to include privately owned parking lots that are compact and contiguous to the licensed establishment.
7. All bars and restaurants utilizing publicly owned spaces for outdoor services must provide the city with (a) proof that their insurance covers the outdoor service area and (b) proof that the city is listed as an additional insured on their insurance.
8. Once the conditions in item 7 of this resolution are satisfied, the City temporarily extends the defined premises of the following establishments to include publicly owned spaces which are compact and contiguous to the licensed establishment, in accordance with the attached “Exhibit A”.
 - Turtle’s Bar & Grill
 - Shakopee Brewhall
 - Arnie’s Bar
 - Pablo’ Mexican Restaurant
 - Pullman Club
9. All bars and restaurants providing outdoor beer and alcohol service are still responsible for ensuring that all other laws, rules and requirements of statute and city code are followed, including but not limited checking identification, protecting against underage drinking, ensuring they do not overserve patrons and ensuring that on-sale alcoholic beverages do not leave the licensed premises.
10. Restaurants and bars using publicly owned properties shall have last call at 10:30PM and patrons must leave by 11PM since these areas are adjacent to residential areas. Failure to follow this rule is grounds for termination of the agreement to use public space at the City Administrator’s discretion.
11. All bars and restaurants who elect to provide outdoor service are responsible for providing refuse removal and maintaining their service areas in an orderly manner and to not allow for debris to accumulate in or near the service area.
12. All bars and restaurants who elect to provide outdoor service shall be responsible for maintaining safe areas and following the State requirements that include:
 - Tables must be at least 6 feet apart;
 - Maximum on premise capacity is limited to 50 people;
 - Dining parties are limited to 4 persons, or 6 persons if part of one family unit;
 - Reservations are required, no walk-in customers are allowed;

- Workers must wear masks or face shields, and customers are strongly encouraged to wear face masks while waiting for food.
- Following all additional guidance provided by the Minnesota Department of Employment and Economic Development.

13. This expires on July 3, 2020 or earlier if revoked by the City Administrator if state regulations are revised.

Adopted in adjourned regular session of the City Council of the City of Shakopee, Minnesota, held this _____ day of _____, 2020.

Mayor of the City of Shakopee

ATTEST:

Lori Hensen, City Clerk