

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: LAURA QUALEY, COMMUNITY ECONOMIC & BUSINESS SPECIALIST
SUBJECT: Request Authorization for Expanded Outdoor Seating for Bars/Restaurants
DATE: Tuesday June 2, 2020

BACKGROUND

Due to Governor Walz's Executive Order 20-56 I would like to request the temporary use of exterior spaces contiguous to the bars/restaurants/winery/brewery in Cannon Falls to allow for expanded outdoor seating. This includes sidewalk seating, or other types of city-controlled public spaces that would normally not be used under regular circumstances. Each business that carries a liquor license will need to update their liquor liability insurance and provide proof to the City along with a map designating their expanded territory for service. The City, will need to provide a copy of the map of the expanded service area for each business to the Department of Public Safety -- Alcohol and Gambling Enforcement Division. Once the Executive Order 20-56 has expired, business will go back to usual.

Tilion Brewing Company has requested temporary occupancy of four city parking spaces contiguous to their building on the west side. They will need to apply for a temporary use permit to occupy this public owned space. They have increased their liability insurance as well as their liquor license liability insurance to include the expanded premises. (See proposed seating diagram) We have received their updated liquor liability insurance certificate.

Brewster's Bar & Grill has requested temporary occupancy of the sidewalk contiguous to the west side of their building which is City property. They will also be utilizing the south side of their building which is owned by First Farmers & Merchants Bank. Brewster's has already received permission from the bank to use their property and has increased their liability insurance as well as their liquor license liability insurance to include both of these expanded premises. We have received their updated liquor liability insurance certificate. (See proposed seating diagram)

Chugger's had deck seating on the east side; they would like to expand onto the adjacent sidewalk on the east of their building. We have received a copy of their expanded premises. We have received their updated liquor liability insurance certificate.

Nick's Diner has requested temporary occupancy of the sidewalk contiguous to the north side of their building along Mill Street. They have a patio, but will only be able to have 4 tables due to the social distancing protocol. They have increased their liability insurance as well as their liquor license liability insurance to include the expanded premises. (See proposed seating diagram) We have received their updated liquor liability insurance certificate.

Mill Street Tavern has expanded outdoor seating already so does not need any special accommodations.

VFW will not be reopening until the full order is lifted and they can service business as usual.

Rancho Loco will be expanding seating on their own private property to the south of their building and has already updated their insurance and liquor license premises.

Cannon River Winery will be expanding to the west side of their private property and their liquor license and insurance reflect that currently.

REQUESTED COUNCIL ACTION

I respectfully request a motion approving the temporary use of city sidewalks and contiguous public spaces for Tilion Brewery Company, Brewster's Bar & Grill, and Chugger's to expand outdoor seating in accordance with Executive Order 20-56 effective immediately.

Statute Background

Minnesota Statute 340A.410 subdivision 7 requires an retail alcoholic beverage licensed premises to be compact and contiguous <https://www.revisor.mn.gov/statutes/cite/340A.410>. Minnesota Rules Chapter 7515.0430 subpart 2 define the types of additions license holders can include as part of their licensed premises. <https://www.revisor.mn.gov/rules/7515.0430/>.

The rule states that the licensed premises can include physically connected attachments to the main structure such as patios, decks, or pavilions. The space would have to be owned and/or leased and be a part of the business. The city would have to approve any compact and contiguous additions to the licensed premises and include such additions in the license files and on documentation defining the licensed premises.

Sidewalk seating or other types of city controlled public space that would normally not be used for expanded seating could be utilized at the city's discretion much like you would do for sidewalk table seating under normal circumstances. The city would have to allow the license holder use of the space and include it as retail licensed premise patio space.

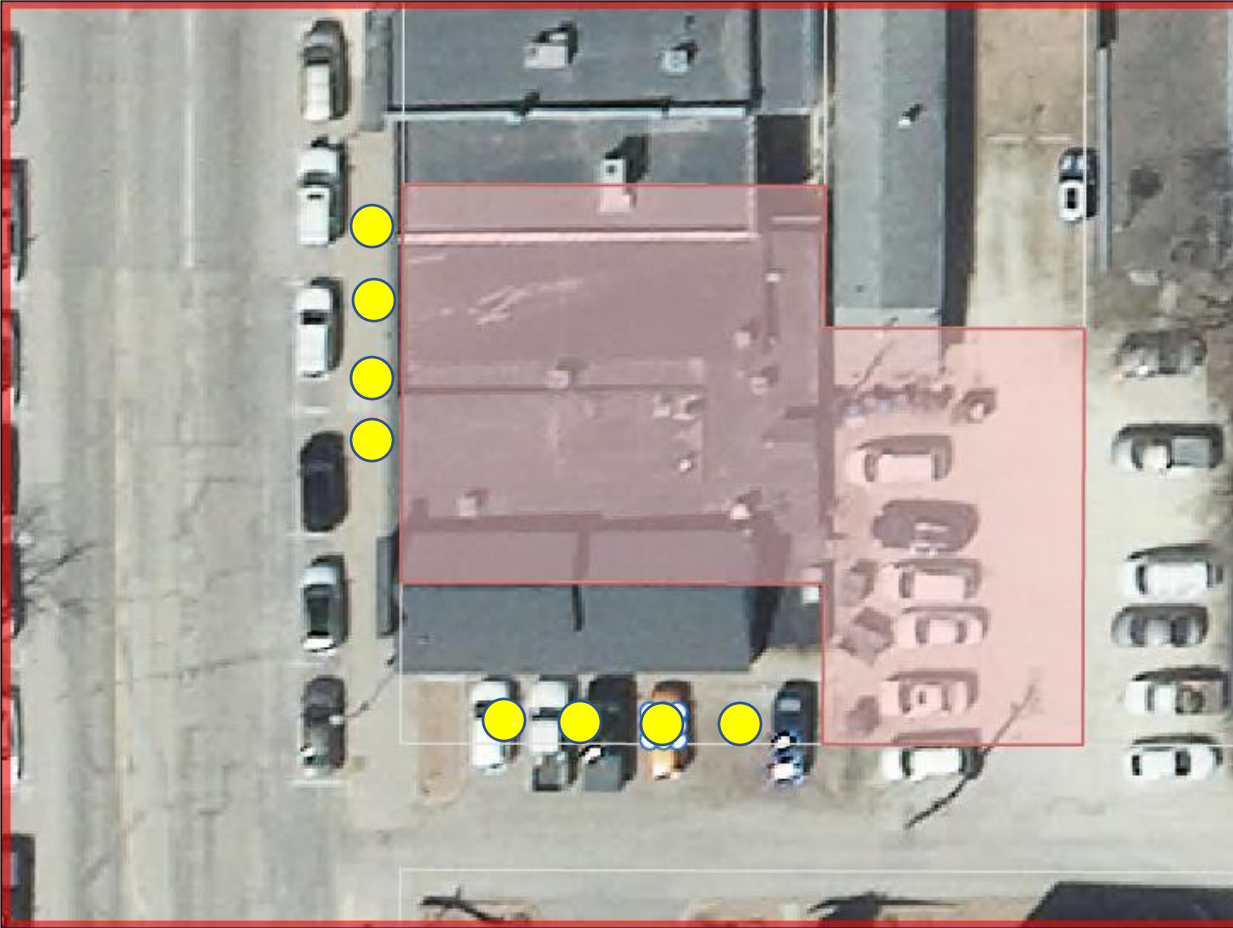
Use of a parking lot would have to constitute a compact and contiguous additional patio space.

For all of the scenarios noted above, the retailer would provide the city with proof that their liquor liability insurance covers alcohol sales in their compact and contiguous expanded licensed patio space or off-site catered events.

TILION BREWING COMPANY



BREWSTERS BAR & GRILL



CHUGGERS



Nick's Diner

PHOTOGRAPHY

