

**CITY OF THIEF RIVER FALLS
RESOLUTION NO.**

**RESOLUTION ESTABLISHING TEMPORARY OUTDOOR DINING/BAR PROGRAM
DURING LOCAL EMERGENCY**

WHEREAS, on March 13, 2020, the Governor of the State of Minnesota, Tim Walz (“Governor”) issued Executive Order 20-01 declaring a peacetime emergency due to the COVID-19 pandemic; and

WHEREAS, pursuant to Minn. Stat. § 12.29, on March 17, 2020, Mayor Brian Holmer executed a Mayoral Declaration declaring a local emergency in the City of Thief River Falls (the “City”) in response to the COVID-19 pandemic (“Local Emergency”); and

WHEREAS, on March 17, 2020, the City Council adopted Resolution No. 3-55-20: Declaring a State of Emergency for Covid-19 Pandemic, which extended the Local Emergency through April 15, 2020 or until circumstances no longer require a State of Emergency and granted staff the authority and discretion, consistent with Minn. Stat. Ch. 12 to take necessary actions to respond to the Local Emergency, including the amendment and alteration of procedures until the termination of the Local Emergency; and

WHEREAS, on March 16, 2020, the Governor issued Emergency Executive Order 20-04, which ordered the closure of bars, restaurants and public accommodations, which was subsequently extended; and

WHEREAS, on March 25, 2020, the Governor issued Emergency Executive Order 20-20 which ordered Minnesotans to stay at home (“Stay-at-Home Order”); and

WHEREAS, the Local Emergency remains in effect; and

WHEREAS, on May 13, 2020, the Governor issued Executive Order 20-56 (“E.O. 20-56”) providing, in relevant part, a phased plan to reopen bars and restaurants to commence on June 1, 2020; and

WHEREAS, on May 20, 2020, the Governor presented the first phase of the plan, which allows restaurants and bars to begin outdoor Dining/Bar on June 1, 2020, with seating of no more than 50 (socially distanced) patrons at a time; and

WHEREAS, the Governor encouraged cities to accommodate outdoor Dining/Bar areas; and

WHEREAS, consistent with Minnesota Statute, Chapter 12, including Minn. Stat. § 12.37, and Resolution No. 3-55-20, the City has various flexible powers to address the Local Emergency.

NOW THEREFORE, the City Council of the City of Thief River Falls makes the following:

FINDINGS

1. The above recitals are incorporated as if fully stated herein.
2. The COVID-19 pandemic and the resulting state and local emergencies have caused severe economic damage to many local restaurant and bar owners and, consequently, the economic impacts are significant harm caused by the pandemic and require Local Emergency response and mitigation.
3. The COVID-19 pandemic has resulted in self-isolation and staying-at-home in order to curb the spread of COVID-19. While necessary, these measures have resulted in residents isolated from community and other interpersonal interactions and have resulted in a mental health impact of the COVID-19 pandemic and Local Emergency.
4. It is the best interests of the City and its residents to temporarily expand the types of outdoor Dining/Bar allowed within the City to mitigate the economic damage caused to local restaurant-and bar owners and to alleviate the mental health impacts of the Stay-at-Home Order by allowing people to enjoy a public and community atmosphere.
5. Temporarily expanding the type of outdoor Dining/Bar allowed in the City requires the City to relax or suspend numerous regulations and requirements. It also requires flexibility as the situation at both the State and local levels continue to evolve rapidly. Consequently, the Council continues to vest authority in staff to respond on behalf of the City and to administer the program as provided herein.
6. No zoning, conditional use, or other City permit as otherwise required under City Code shall be required for any temporary structure or operation related to customer service, waiting or Dining/Bar seating areas; or on-site signage and storage; or other temporary outdoor use is proposed to occur outside of the business establishment provided the City Administrator's, or its designees, rules and procedures are met. Any temporary structure or operation related to customer service, waiting or Dining/Bar seating areas; or on-site signage and storage; or other temporary outdoor use proposed to occur outside of the business establishment that is otherwise prohibited by City Code may be permitted subject to approval of the City Administrator, or its designee, as set forth herein
7. The Temporary Outdoor Dining/Bar Program established herein is necessary to protect the public health, safety, and welfare of the citizens of the City of Thief River Falls, including the economic prosperity of the City.

DECISION TO ESTABLISH TEMPORARY OUTDOOR DINING/BAR PROGRAM