



## Request for Council Action

**TO:** Mayor and City Council  
**THROUGH:** Tim Murray, City Administrator  
**FROM:** Heather Slechta, Assistant to the City Administrator  
**MEETING DATE:** August 28, 2018  
**SUBJECT:** Approve Hold Harmless and Indemnification Agreement with Grampa Al's for September 1, 2018

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### **Background:**

Jim Jasinski, owner of Grampa Al's has been hired to cater the Pawn MN Anniversary Celebration (the "Event"). Pawn MN requested to close a section of 3<sup>rd</sup> Street NW from Central Ave. to the alleyway. This request was approved by the City Council at their July 24, 2018 meeting. Grampa Al's is the holder of an on-sale intoxicating liquor license in the City and a caterer's license through the State of MN which allows for Grampa Al's to serve intoxicating liquor while catering an event. There is no additional liquor license needed to cater an event through the City.

Due to the Event being held on a City street, Staff felt that it was important to have a Hold Harmless and Indemnification agreement with Grampa Al's. Grampa Al's will be providing insurance and assuming liability for its activities associated with the Event, and complying with the specific rules applicable to the respective public facility.

### **Recommendation:**

Approve Hold Harmless and Indemnification Agreement with Grampa Al's for September 1, 2018

### **Attachments:**

Hold Harmless and Indemnification Agreement

## **HOLD HARMLESS AND INDEMNIFICATION AGREEMENT**

This Hold Harmless and Indemnification Agreement (“Agreement”) is made this \_\_\_\_\_ day of August, 2018, by and between the City of Faribault, a Minnesota municipal corporation (the “City”) and Al’s Place, Inc. doing business as Grampa Al’s a Minnesota corporation (“Grampa Al’s”).

### **Recitals**

**WHEREAS**, Grampa Al’s is the holder of an on-sale intoxicating liquor license in the City and a caterers license in the State of MN; and

**WHEREAS**, Grampa Al’s has requested to dispense intoxicating liquor at the Pawn MN Anniversary Celebration, being held outdoors on 3<sup>rd</sup> Street NW (Central Ave to the Alleyway) on September 1, 2018; and

**WHEREAS**, the City has agreed to authorize Grampa Al’s to sell intoxicating liquor at the Event, subject to Grampa Al’s providing insurance and assuming liability for its activities associated with the Event, and complying with the specific rules applicable to the respective public facility; and

**NOW, THEREFORE**, in consideration of the City’s actions described above, the parties agree as follows:

### **AGREEMENT**

1. Grampa Al’s agrees to follow all ordinances, rules and regulations of the City of Faribault and the State of Minnesota regarding its use of the identified City facility and its sale of intoxicating liquor at the Event.
2. Grampa Al’s shall ensure that all intoxicating liquor that it dispenses is dispensed and consumed within area that is designated as a “beer garden” at the Event.
3. Prior to the Event, Grampa Al’s shall provide the City for its review and approval a certificate of insurance evidencing that it has general liability and liquor liability insurance for the Event. The City shall be named as an additional insured with respect to these policies.
4. In addition to the required insurance coverage, Grampa Al’s shall defend, indemnify and hold harmless the City of Faribault, its officials, employees, contractors and agents (collectively, the “City”) from and against any and all claims, damages, losses, or expenses including attorneys’ fees, which the City may suffer or for which the City may be held liable with respect to the activities authorized by the City pursuant to this Agreement, including the dispensing of intoxicating liquor.
5. The Recitals set forth above are incorporated into this Agreement as if fully set forth herein.

**IN WITNESS OF THE ABOVE**, the parties have caused this Agreement to be executed on the date and year written above.

**CITY OF FARIBAULT**

By: \_\_\_\_\_  
Kevin F. Voracek  
Its: Mayor

By: \_\_\_\_\_  
Timothy C. Murray  
Its: City Administrator

**AL'S PLACE, INC. D/B/A GRAMPA AL'S**

By: \_\_\_\_\_  
Its: \_\_\_\_\_