



Request for Council Action

TO: Mayor and City Council
THROUGH: Tim Murray, City Administrator
FROM: Heather Slechta, Assistant to the City Administrator
MEETING DATE: May 14, 2019
SUBJECT: Resolution 2019-084 Authorizing Grampa Al's to Dispense Intoxicating Liquor Off Premise at the Heritage Days Celebration on June 13, 2019 - June 15, 2019 at Central Park in the city of Faribault

Background:

State Statute 340A.404, Subd. 4 (b) allows a City Council to authorize a holder of a retail On-Sale Intoxicating Liquor license to sell off premises at a community festival within the municipality. This section also requires the authorization to specify the area in which the sale and consumption is to be located.

Resolution 2019-084 specifies the designated area in Central Park in which intoxicating liquor may be dispensed by Grampa Al's and consumed by patrons of the Heritage Days Celebration is in a tent located in the southwest corner of Central Park. A single fence will surround the liquor sales and consumption area. All liquor will stay in the fenced in area. The days for the liquor sales will be June 13, 2019- June 15, 2019 between the hours of 12:00 p.m. – 12:00 a.m. of each day.

Grampa Al's will be required to provide the City with a Certificate of Insurance which includes coverage for off premises sales. The City will also require Grampa Al's to sign an agreement to indemnify and hold the City harmless.

Recommendation:

Approve Resolution 2019-084 Authorize Grampa Al's to Dispense Intoxicating Liquor at the Heritage Days Celebration

Attachments:

- Resolution 2019-084

CITY OF FARIBAULT

RESOLUTION #2019-084

AUTHORIZING GRAMPA AL'S TO DISPENSE INTOXICATING LIQUOR OFF PREMISE AT THE HERITAGE DAYS CELEBRATION ON JUNE 13, 2019 - JUNE 15, 2019 AT CENTRAL PARK IN THE CITY OF FARIBAULT

WHEREAS, Minnesota Statutes Chapter 340A and Faribault Ordinance Code Chapter 4, provide for liquor licensing in cooperation with the Alcohol and Gambling Enforcement Division of the Minnesota Department of Public Safety; and

WHEREAS, Minnesota Statute Section 340A.404, Subd. 4(b) provides that as to a community festival, the governing body of a municipality may authorize the holder of a retail on-sale intoxicating liquor license issued by the municipality to dispense intoxicating liquor off premises at a community festival held within the municipality; and

WHEREAS, the Heritage Days Celebration is an annual event held in the City of Faribault and has the objective of promoting a spirit of pride, a sense of community and an atmosphere of celebration for all residents of the City of Faribault; and

WHEREAS, Al's Place, Inc., doing business as Grampa Al's, located at 28 3rd Street NW, Faribault, Minnesota, currently holds a retail on-sale intoxicating liquor license within the City of Faribault; and

WHEREAS, Grampa Al's desires to provide the liquor service for the Heritage Days Celebration and shall endeavor to ensure that no alcohol will be sold to minors by checking identification; and

WHEREAS, the City of Faribault specifies that the only designated area in Central Park in which intoxicating liquor may be dispensed by Grampa Al's and consumed by patrons of the Heritage Days Celebration is in a tent located in the southwest corner of Central Park; and

WHEREAS, Grampa Al's has the required liability insurance as prescribed by Minnesota Statutes Section 340A.409 to cover the Heritage Days Celebration; and

WHEREAS, Grampa Al's will be required to sign an agreement in substantially the form set forth in Exhibit A to this Resolution to indemnify and hold the City harmless in order to ensure that Grampa Al's will defend the City and pay for any claims against the City related to the sale of the alcohol at the Heritage Days Celebration.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Faribault that the recitals set forth in the preamble to this Resolution are incorporated into this Resolution as if fully set forth herein.

NOW THEREFORE BE IT FURTHER RESOLVED, by the City Council of the City of Faribault that the City of Faribault authorizes Al's Place, Inc. doing business as Grampa Al's, located at 28 3rd Street NW, Faribault, Minnesota, to dispense intoxicating liquor off premises at the Heritage Day's Celebration Thursday, June 13, 2019 through Saturday, June 15, 2019, in a tent with fencing surrounding it, located in the southwest corner of Central Park between the hours of 12:00 p.m. to 12:00 a.m.

NOW THEREFORE BE IT FINALLY RESOLVED, by the City Council of the City of Faribault that the Mayor, City Administrator, staff and consultants are hereby authorized and directed to take any and all additional steps and actions necessary or convenient in order to accomplish the intent of this Resolution.

Date Adopted: May 14, 2019

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

EXHIBIT A

HOLD HARMLESS AND INDEMNIFICATION AGREEMENT

This Hold Harmless and Indemnification Agreement (“Agreement”) is made this ____ day of May, 2019, 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

WHEREAS, Grampa Al’s has requested that the City allow it to dispense intoxicating liquor at Heritage Days Celebration, a community festival being held at the City’s Central Park from June 13, 2019 to June 15, 2019 (the “Event”); and

WHEREAS, Minnesota Statutes Section 340A.404, subdivision 4 (b) allows a city council to authorize a holder of a retail on-sale intoxicating liquor license issued by the city to dispense intoxicating liquor at a community festival held within the city; and

WHEREAS, pursuant to this statute, 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 Voracek
Its: Mayor

By: _____
Timothy C. Murray
Its: City Administrator

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

By: _____
Its: _____