

**CITY OF SPRING LAKE PARK, MINNESOTA**

**RESOLUTION NO. 20-21**

**RESOLUTION AUTHORIZING THE GRANTING OF  
REGULATORY FLEXIBILITY TO LOCAL BUSINESSES**

**WHEREAS**, the President of the United States and the Governor of the State of Minnesota have declared states of emergency as a result of the spread of COVID-19;

**WHEREAS**, on March 16, 2020, the Mayor of the City of Spring Lake Park issued a declaration of local emergency and on April 6, 2020 the City Council acted by resolution to extend the local emergency declaration;

**WHEREAS**, the City Council recognizes this emergency has had a devastating effect on local businesses required to close pursuant to the Governor's orders, particularly bars and restaurants and other businesses that were the last to be allowed to reopen;

**WHEREAS**, businesses are required to have a plan in place to safely reopen to the public that reflects social distancing requirements and complies with limits imposed on the number of customers that may be served at one time;

**WHEREAS**, the Governor's office has encouraged local governments to be creative in working with businesses as they reopen, particularly bars and restaurants who are initially limited to outdoor service only;

**WHEREAS**, in order to support the continued viability of local businesses, maximize the number of customers allowed to access businesses in light of the state's operating restrictions, and to exercise the creativity encouraged by the Governor's office, the City Council determines it is in the best interests of the City to allow the granting of regulatory flexibility as part of an approved plan submitted by each business seeking such flexibility;

**WHEREAS**, it is not practical under the circumstances of this emergency to require businesses to pursue what can be a several month process to seek amendments and other approvals to obtain the flexibility they need now to safely reopen their businesses; and

**WHEREAS**, delegating authority to the City Administrator, Clerk/Treasurer to grant flexibility to local regulations as part of a plan a business submits to the City Administrator, Clerk/Treasurer for approval is the only workable solution for expeditiously providing the assistance local businesses need as they start to reopen and put their employees back to work.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Spring Lake Park as follows:

1. The City Administrator, Clerk/Treasurer is hereby delegated the authority to grant, on behalf of the City, flexibility in City regulations as the City Administrator, Clerk/Treasurer determines is appropriate to support the operations of local businesses as they reopen to the customers and resume operations under the limitations imposed by the Governor's emergency orders. Regulatory flexibility may only be granted as part of a written plan the City Administrator, Clerk/Treasurer approves for a particular business entity.
2. For the purposes of this Resolution, the "regulatory flexibility" the City Administrator, Clerk/Treasurer is authorized to grant includes, but is not limited to, the following:
  - (a) Allow the expansion of the licensed "premises" of a business holding an on-sale liquor license to allow the service and consumption of alcohol in an expanded "compact and contiguous" area identified in the approved plan;
  - (b) Allow the expansion of existing business operations without requiring amendments to existing zoning approvals or new zoning approvals;
  - (c) Allow a business to use adjacent City property for customer seating, the display of its products for sale, or for other similar uses upon entering into a license agreement with the City; and
  - (d) Such other flexibility in the City's regulations and the enforcement of those regulations as the City Administrator, Clerk/Treasurer determines is appropriate under the particular circumstances of the business to reasonably allow it to conduct its business in a manner that maximizes its operations while complying with its plan, the Governor's emergency orders, and applicable guidelines.
3. The City Administrator, Clerk/Treasurer has the discretion to deny any request for regulatory flexibility. If approved, the City Administrator, Clerk/Treasurer shall place such conditions on the approval as the City Administrator, Clerk/Treasurer determines are reasonable under the circumstances. The City Administrator, Clerk/Treasurer is authorized to issue written approvals of regulatory flexibility to execute license agreements on the City's behalf. The City Administrator, Clerk/Treasurer may immediately repeal any approved regulatory flexibility if the City Administrator, Clerk/Treasurer determines the business violated the scope of the regulatory flexibility, any conditions placed on the granted flexibility, or the expanded business operations interfere with public safety or unreasonably obstructs the use of public property or right-of-way.
4. The regulatory flexibility allowed under this Resolution is intended to temporarily allow a business to overcome local regulatory hurdles that interfere with its efforts to implement its plans to reopen and operate in accordance with social distancing and other federal and state safety requirements. This Resolution, and regulatory flexibility granted hereunder, does not exempt a business from:
  - (a) Complying with all applicable federal and state laws, rules, regulations, and emergency orders;

- (b) Fully implementing its COVID-19 Preparedness Plan;
  - (c) Obtaining and maintaining additional insurance to cover any expanded areas of the business premises;
  - (d) Taking all steps necessary to make and keep the business premises safe for public use and occupation;
  - (e) Complying with local regulations not directly related to the regulatory flexibility granted in the plan approved by the City Administrator, Clerk/Treasurer; or
  - (f) Immediately returning to full compliance with all applicable local regulations upon the expiration or termination of the regulatory flexibility.
5. The authority delegated herein to the City Administrator, Clerk/Treasurer shall take effect immediately and shall continue through October 31, 2020 unless extended or shortened by the City Council.
  6. Such approvals granted pursuant to this Resolution shall expire upon a date to be determined by the City Council as it reviews and responds further to the local emergency declaration. No business shall be entitled to rely upon an effective term of the regulatory flexibility granted pursuant to this Resolution, and any business granted such authority shall make premises alterations at its own cost and risk;
  7. The City Administrator, Clerk/Treasurer shall submit one or more reports to the City Council identifying the businesses granted regulatory flexibility and the types of flexibility granted, including whether the business entered into a license agreement with the City to utilize City property.

The foregoing Resolution was moved for adoption by .

Upon Vote being taken thereon, the following voted in favor thereof: .

And the following voted against the same: .

Whereupon the Mayor declared said Resolution duly passed and adopted this the 1st day of June, 2020.

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Robert Nelson, Mayor

Attest:

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Daniel R. Buchholtz, Administrator, Clerk/Treasurer