

**MINUTES OF THE SPECIAL MEETING  
OF THE DULUTH CITY COUNCIL**

May 15, 2015

Special meeting of the Duluth City Council held on Friday, May 15, 2015, 12:15 p.m. in the Council Chamber, City Hall, Duluth, Minnesota.

Roll call: Present: Councilors Filipovich, Gardner, Hanson, Krug, Russ, Sipress and President Larson -- 7

Absent: Councilors Fosle and Julsrud -- 2

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**MOTIONS AND RESOLUTIONS**

Resolution 15-0288, by President Larson, amending Resolution 14-0599, adopting license, permit, fine, penalty and other charges for 2015, to amend the 2015 fee schedule to add a microdistillery off sale license fee, was introduced.

President Larson moved table the resolution to coincide with the second reading of Ordinance 15-034, which motion was seconded and unanimously carried.

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**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

The following entitled ordinance was read for the first time:

BY PRESIDENT LARSON

15-034 - AN ORDINANCE AMENDING CHAPTER 8 OF DULUTH CITY CODE, 1959, AS AMENDED, TO ALLOW THE ISSUANCE OF MICRODISTILLERY OFF SALE LICENCES AND TEMPORARY ON SALE LIQUOR LICENSES TO MICRODISTILLERIES.

Councilor Filipovich moved to suspend the rules to hear a speaker on the ordinance, which motion was seconded and unanimously carried.

Joel Vikre spoke of his support for the ordinance.

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The following entitled ordinances were read for the second time:

INTRODUCED BY COUNCILOR HANSON

15-033 (10374) - AN ORDINANCE AMENDING CHAPTER 8 OF DULUTH CITY CODE, 1959, AS AMENDED, TO ADDING A NEW SECTION 8-72 RELATING TO ON SALE INTOXICATING LIQUOR AT LESTER PARK GOLF COURSE.

Councilor Hanson moved passage of the ordinance and the same was adopted upon a unanimous vote.

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BY PRESIDENT LARSON

15-032 (10375) - AN ORDINANCE AMENDING SECTION 8-41 OF DULUTH CITY CODE, 1959, AS AMENDED, TO AUTHORIZE THE SALE OF MALT LIQUOR OFF SALE IN 64-OUNCE CONTAINERS COMMONLY KNOWN AS GROWLERS ON SUNDAYS.

President Larson moved passage of the ordinance and the same was adopted upon a unanimous vote.

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The meeting was adjourned at 12:31 p.m.

JEFFREY J. COX, City Clerk

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**ORDINANCE NO. 10374**

AN ORDINANCE AMENDING CHAPTER 8 OF DULUTH CITY CODE, 1959, AS AMENDED, TO ADDING A NEW SECTION 8-72 RELATING TO ON SALE INTOXICATING LIQUOR AT LESTER PARK GOLF COURSE.

The city of Duluth does ordain:

Section 1. That Chapter 8 of the Duluth City Code, 1959, as amended, is hereby amended by adding a new Section 8-72 to read as follows:

Sec. 8-72. Lester Park Golf Course.

The city may authorize the person or entity under contract with the city for the operation and management of the Lester Park Golf Course to utilize the on-sale intoxicating liquor license granted to the city for the Lester Park Golf Course as authorized by Law of Minnesota 2015, Chapter 9, Article 2, Section 9. For purposes of this Section 8-72, and except as otherwise provided by this Section, such person or entity shall be subject to any law or local ordinance relating to the sale of intoxicating liquor not inconsistent with this Section to the same extent such law or local ordinance is applicable to an on sale intoxicating liquor licensee. The provisions of Minnesota Statutes, sections 340A.603 and 340A.604 shall apply as if the establishment were a municipal liquor store. The city may, as part of the terms of the contract, exempt the person or entity from various provisions of this Chapter 8 to the extent such provisions are not otherwise mandated by Minnesota law.

Section 2. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: June 14, 2015)

Councilor Hanson moved passage of the ordinance and the same was adopted upon the following vote:

Yeas: Councilors Filipovich, Gardner, Hanson, Krug, Russ, Sipress and President Larson -- 7

Nays: None -- 0

Absent: Councilors Fosle and Julsrud -- 2

ATTEST:  
JEFFREY J. COX, City Clerk

Passed May 15, 2015  
Approved May 15, 2015  
DON NESS, Mayor

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**ORDINANCE NO. 10375**

BY PRESIDENT LARSON:

AN ORDINANCE AMENDING SECTION 8-41 OF DULUTH CITY CODE, 1959, AS AMENDED, TO AUTHORIZE THE SALE OF MALT LIQUOR OFF SALE IN 64-OUNCE CONTAINERS COMMONLY KNOWN AS GROWLERS ON SUNDAYS.

The city of Duluth does ordain:

Section 1. That Section 8-41 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 8-41. Types generally.

(a) With respect to intoxicating liquor, there shall be the following types of licenses: on sale, on sale club, on sale wine, on sale culinary class, on sale theater, on sale brewer taproom, on sale microdistillery cocktail room, temporary on sale, off sale and a brewery malt liquor off sale;

(b) On sale licenses authorize the licensee to sell intoxicating liquor at retail for consumption only on the licensed premises. The following additional requirements apply to specific types of on sale licenses:

(1) On sale culinary class licenses authorize on sales subject to the restrictions of Section 8-44(d) of this Chapter and Minnesota Statutes Section 340A.4041, or its successor;

(2) On sale theater licenses authorize on sales each day of the week to persons attending events at the theater;

(3) On sale brewer taproom licenses authorize on sales of malt liquor produced by the brewer for consumption on the premises of or adjacent to one brewery location owned by the brewer, subject to the restrictions of this Chapter and Minnesota Statutes Section 340A.301, subd. 6(b), or its successor. Notwithstanding Section 8-17 of this Chapter or Minnesota Statutes Section 340A.504, subdivision 3, a taproom may be open and may conduct on sale business on Sundays if authorized by the city in the license. All Sunday sales are subject to the limitation on hours of sale provided in Section 8-46 of this Chapter;

(4) On sale microdistillery cocktail room licenses authorize on sales of distilled liquor produced by the distiller for consumption on the premises of or adjacent to one distillery location owned by the distiller subject to the restrictions of Section 8-44(h) of this Chapter and Minnesota Section 340A.22 or its successor;

(5) Temporary on sale licenses authorize temporary on sales in connection with a social event sponsored by the licensee and only at the designated licensed premise;

(c) Except as provided herein, off sale licenses authorize the licensee to sell intoxicating liquor at retail in original packages only for consumption off the licensed premises. The following additional requirements apply to specific types of off sale licenses:

(1) Brewery malt liquor licenses permit breweries holding on sale licenses, or breweries that manufacture fewer than 3,500 barrels of malt liquor in a year, to sell malt liquor off sale in 64-ounce containers commonly known as growlers, subject to the restrictions in Minnesota Statutes, Section 340A.301, subd. 7(b), or its successor, and this Chapter. Sale of malt liquor off sale in 64-ounce containers, commonly known as growlers, may be conducted on Sundays. All Sunday sales are subject to the limitation on hours of sale provided in Section 8-46 of this Chapter;

(2) Notwithstanding the provisions of sections 8-21 and 8-22 of this Chapter, it shall be lawful for the holder of an off sale intoxicating liquor license or a brewery malt liquor off sale license to provide samples as provided in Minnesota Statutes, Section 340A.510, or its successor;

(d) With respect to 3.2 percent malt liquor, there shall be three types of licenses: on sale, off sale and temporary on sale. Each type of 3.2 percent malt liquor license authorizes the licensee to sell 3.2 percent malt liquor subject to the following additional requirements applicable to the specific type of license:

(1) On sale licenses authorize the sale of 3.2 percent malt liquor at retail for consumption only on the licensed premises;

(2) Off sale licenses authorize the sale of 3.2 percent malt liquor at retail in original packages for consumption only off the licensed premises;

(3) Temporary on sale licenses authorize the sale of 3.2 percent malt liquor at retail for a limited period of time, and only at the designated licensed premise;

(e) No alcoholic beverage license of any type shall be granted to any elective, appointed, executive or administrative officer of the city, to any employee holding a position in the classified service of the city and working as a licensed peace officer in the police department, to any deputy chief of police, deputy fire chief, fire marshal or deputy fire marshal, nor shall any such officer or employee engage in the business, be employed by an establishment licensed by the city, or have an ownership interest in such business licensed by the city.

Section 2. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: June 14, 2015)

President Larson moved passage of the ordinance and the same was adopted upon the following vote:

Yeas: Councilors Filipovich, Gardner, Hanson, Krug, Russ, Sipress and President Larson -- 7

Nays: None -- 0

Absent: Councilors Fosle and Julsrud -- 2

ATTEST:  
JEFFREY J. COX, City Clerk

Passed May 15, 2015  
Approved May 15, 2015  
DON NESS, Mayor

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