

MINUTES OF THE REGULAR MEETING OF THE ALCOHOL, GAMBLING & TOBACCO COMMISSION

March 2, 2016

The regular meeting of the Alcohol, Gambling & Tobacco Commission was held on Wednesday, March 2, 2016, at 4:45 p.m., in the City Council Chambers, 3rd Floor, City Hall.

ROLL CALL: Present Bjorn Braaten, Dennis Birchland, Chris Pekkala, Ryan Stauber
President Jeff Rosenthal
Absent: Adam Wisocki

The minutes of the January 6, 2016, minutes of the Alcohol, Gambling and Tobacco Commission were unanimously approved.

LAWFUL GAMBLING:

DULUTH AIRMEN FOUNDATION 6283 ST. LOUIS RIVER ROAD, DULUTH, MINNESOTA, 55810: REQUEST FOR A 60 DAY WAIVER – RAFFLE EXEMPTION FOR MARCH 20 2016 WITH CHRIS FREEMAN, MANAGER.

Chris Freeman was present on behalf of the application. Mr. Freeman reviewed that the total value of raffle prizes awarded for the event is no more than \$6100. He continued to say that the drawing will be held on March 20, 2016 at Country Lanes North, 2327 Mountain Shadow Drive. There being no further discussion, Mr. Stauber moved that THE 60 DAY WAIVER REQUEST FOR A RAFFLE PERMIT BE APPROVED AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Braaten seconded the motion, and was unanimously approved.

NEW BUSINESS:

MARSHALL SCHOOL, 1215 RICE LAKE ROAD - APPLICATION FOR A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE FOR APRIL 30, 2016, WITH BETH TESSIER, MANAGER.

Sara Perry-Spears was present on behalf the application. She noted that this is their 28th annual auction that is by invitation only to individuals over 21 years of age. She stated that this is a dinner and auction event to raise money for the school. To questioning concerning using the services of Key Port Liquor, she stated that after a discussion with the clerk's office they will be using Blackwoods for liquor and food service. The Clerk's office will follow up with Marshall and Blackwoods. To questioning from the commission, Ms. Perry-Spears replied that they have hired an off duty police officer to work at the event. There being no

further discussion, Mr. Stauber moved that THE APPLICATION OF MARSHALL SCHOOL, 1215 RICE LAKE ROAD, FOR A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE FOR APRIL 30, 2016, WITH BETH TESSIER, MANAGER, BE APPROVED, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Birchland seconded the motion, and it was unanimously approved.

AAD SHRINERS, (DULUTH HOT AIR BALLOON FESTIVAL), BAYFRONT PARK –
APPLICATION FOR A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE FOR SEPTEMBER 16-17, 2016, WITH RYAN KERN, MANAGER.

Ariel Fuchs was present on behalf of the application. Ms. Fuchs stated that this event will mirror last year's event. She continued saying this is the fourth annual Hot Air Balloon Festival and they will have an off duty police officer checking ID's. There being no further discussion, Mr. Pekkala moved THAT THE APPLICATION OF AAD SHRINERS, (DULUTH HOT AIR BALLOON FESTIVAL), BAYFRONT PARK, FOR A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE FOR SEPTEMBER 16 –17, 2016, WITH RYAN KERN, MANAGER, BE APPROVED, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Braaten seconded the motion, and it was unanimously approved.

BONG P-38. (DULUTH AIRSHOW) 4701 GRINDEN DR. DULUTH, MINNESOTA 55811
APPLICATION FOR A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR JULY 9-10, 2016 WITH RYAN KERN, MANAGER.

Ariel Fuchs was present on behalf of the application. Ms. Fuchs stated to the board that this event will be the same as it has been since 2001 and liquor hours will also remain the same. To questioning from the commission, Ms. Fuchs stated that there will be approximately 1000 people in attendance and that security will be provided by the military. There were no further questions. Mr. Birchland moved THAT THE APPLICATION OF BONG P-38, D/B/A DULUTH AIRSHOW, FOR A TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR JULY 9-10, 2016, WITH RYAN KERN, MANAGER, BE APPROVED, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Stauber seconded the motion, and it was unanimously approved.

AAD SHRINERS, (KIA DRAG RACES & CAR SHOW), 435 GARFIELD AVE –
APPLICATION FOR A TEMPORARY ON SALE 3.2 PERCENT MALT LIQUOR LICENSE FOR SEPTEMBER 10-11, 2016, WITH RYAN KERN, MANAGER.

Ariel Fuchs was present on behalf of the application. Ms. Fuchs explained that they will be using snow fencing to section off a parking lot on Garfield Avenue to create a beer garden and plan on serving the beer until approximately 5:00 p.m. depending on the time the event is over. Ms. Fuchs also explained that they will be selling beer only from one large beer garden area and no one will be allowed to leave from there with their beer. To questioning from the commission, Ms. Fuchs replied that there will be two off duty police officer working in the beer garden area. Officer Vang stated he has approved this application. There being no further discussion, Mr. Stauber moved THAT THE APPLICATION OF AAD SHRINERS, (KIA OF DULUTH CAR SHOW AND TIME TRIALS), 350 GARFIELD AVENUE FOR A TEMPORARY ON SALE 3.2 PERCENT

MALT LIQUOR LICENSE FOR SEPTEMBER 10-11 2016, WITH RYAN KERN, MANAGER, BE APPROVED, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Birchland seconded the motion, and it was unanimously approved.

OMC LLC D/B/A OMC SMOKEHOUSE, 1909 WEST SUPERIOR STREET, DULUTH –
APPLICATION FOR AN ON-SALE WINE LICENSE, FOR PERIOD ENDING 8/31/2017,
AND AN ON-SALE 3.2 MALT LIQUOR LICENSE FOR PERIOD ENDING 4/30/2017.

Tom Hanson was present on behalf of the application. Mr. Hanson explained that he is in the process of renovating the property at 1909 West Superior Street, Duluth, MN and that he is applying in advance for the license, even though he does not plan to open until late in the year. To questioning from the commission, Mr. Hanson explained that the establishment would be primarily a food establishment and that no liquor would be sold after food service ended for the evening, roughly 10:00 p.m. Mr. Hanson also explained that he is the current co-owner of the Duluth Grill, and has been the general manager of 11-12 restaurants over his career and that servers would receive documented alcoholic beverage training. He also stated that he will make sure that they meet the State's requirements regarding training and serving. .There being no further discussion, Mr. Braaten moved THAT THE APPLICATIONS OF OMC LLC (OMC SMOKEHOUSE) 1909 WEST SUPERIOR STREET, FOR AN ON-SALE 3.2 MALT LIQUOR LICENSE FOR THE PERIOD ENDING 4/30/2017 AND THE APPLICATION OF OMC LLC (OMC SMOKEHOUSE) 1909 WEST SUPERIOR STREET, FOR AN ON-SALE WINE LICENSE FOR PERIOD ENDING 8/31/2017, BE APPROVED AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Birchland seconded the motion, and it was unanimously approved.

SAMMYS PIZZA OF DULUTH INC. (SAMMYS PIZZA AND RESTAURANT) –
APPLICATION FOR AN ON-SALE WINE LICENSE, 103 WEST 1ST STREET, DULUTH,
MINNESOTA 55802, FOR PERIOD ENDING 8/31/2016 TERRY PERRELLA,
MANAGER.

No one was present on behalf of the application. The commission moved to table this application until the next meeting on April 6, 2016.

BENT PADDLE BREWING CO. 1912 WEST MICHIGAN STREET –
FOR TEMPORARY EXPANSION OF THE ON-SALE INTOXICATING LIQUOR
LICENSE FOR MAY 14, 2016.

Manager Laura Mullen phoned and asked to be moved to the April 6, 2016 meeting due to illness. The Commission moved to table this application until the next meeting.

DULUTH WOMAN'S CLUB - RENEWAL APPLICATION FOR THE CONSUMPTION AND
DISPLAY LICENSE OF THE DULUTH WOMENS CLUB FOR THE PERIOD BEGINNING
APRIL 1, 2016, AND ENDING MARCH 31, 2017

The clerk reviewed that this is a renewal license application. Attorney Lutterman stated that

any licensee that has delinquent sales and property taxes would have to have them paid in full by April 30 in order for them to continue selling alcohol on May 1

There being no further discussion, Mr. Stauber moved THAT THE RENEWAL APPLICATION FOR THE CONSUMPTION AND DISPLAY LICENSE OF THE DULUTH WOMAN'S CLUB FOR THE PERIOD BEGINNING APRIL 1, 2016, AND ENDING APRIL 30, 2017, BE APPROVED, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Birchland seconded the motion and it was unanimously approved.

HEARING TO DECIDE WHAT, IF ANY, DISCIPLINARY ACTION SHOULD BE TAKEN REGARDING THE ON SALE INTOXICATING LIQUOR LICENSE OF THE DUKE PARTNERS, LLC, d/b/a SPURS ON 1ST, 109 WEST 1ST STREET, DULUTH, MINNESOTA 55802. It is the recommendation of the Duluth Alcohol, Gambling, and Tobacco Commission that the Duluth City Council impose a civil penalty as follows:

The presumptive penalty for a first offense is \$500, however due to mitigating circumstances the Commission recommends the fine for this first offense be reduced from \$500 to \$250.

HEARING TO DECIDE WHAT, IF ANY, DISCIPLINARY ACTION SHOULD BE TAKEN REGARDING THE ON SALE INTOXICATING LIQUOR LICENSE OF HOSPITALITY ASSOCIATES OF DULUTH, LLC d/b/a ACES ON FIRST, 220 WEST SUPERIOR STREET, DULUTH, MINNESOTA 55802. It is the recommendation of the Duluth Alcohol, Gambling, and Tobacco Commission that the Duluth City Council impose a civil penalty as follows:

The presumptive penalty for a first offense is \$500, however due to mitigating circumstances the Commission recommends the fine for this first offense be reduced from \$500 to \$250.

There being no further business to bring before the commission, the meeting was declared adjourned at 6:27 p.m.