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

June 7, 2017

The regular meeting of the Alcohol, Gambling & Tobacco Commission was held on Wednesday, June 7, 2017, at 4:45 p.m., in the City Council Chamber, 3rd Floor, City Hall. ROLL CALL: Present: Ryan Stauber, Patricia Stolee, Adam Wisocki,, Mark Osthus

Absent; Adam Wisoki, Bjorn Braaten

## **COMMUNICATIONS:**

May Meeting Minutes – Motion made to approve by Commissioner Rosenthal, second made by Commissioner Hanson. Motion carried.

CITY ATTORNEY SUBMITTING NOTICE OF ACTION BY THE MINNESOTA DEPARTMENT OF HEALTH TO DECIDE WHAT, IF ANY DISCIPLINARY HEARING SHOULD BE CALLED REGARDING THE ON SALE INTOXICATING LIQUOR LICENSE OF THE DUKE PARTNERS, LLC, d/b/a SPURS ON 1<sup>ST</sup>, 109 WEST 1<sup>ST</sup> STREET, PURSUANT TO DULUTH CITY CODE SECTION 8-9(a) #17-01 Attorney Hanke spoke about what has developed, and explained that Spurs continued to serve after their food and beverage license was not renewed from the Department of Health and had to be shut down. A motion was made to hold a hearing on the violations by Commissioner Stauber and a second was made by Commissioner Hanson. The vote was unanimous. The hearing will be scheduled for the next regular meeting.

## **LAWFUL GAMBLING:**

DULUTH ELKS 133 Premise Permit Application – All American Club Lynn MacDonald was present on behalf of the application. Motion to approve by Commissioner Rosenthal, and a second was made by Commissioner Stauber. Motion carried.

# **NEW BUSINESS:**

<u>DULUTH AMATEUR HOCKEY ASSOCIATION, 120 SOUTH 30<sup>TH</sup> AVENUE WEST</u> - APPLICATION FOR A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE FOR AUGUST 11-13, 2017, WITH JASON WATT, DIRECTOR Mr. Watt was present on behalf of the application. The permit is for serving beer at Blues Fest. Mr. Watt explained that they had been doing this for many years. A motion was made by Commissioner Rosenthal, and a second was made by Commissioner Stauber. Motion carried.

### LEMON REEF, INC (THE REEF BAR) 2002 LONDON ROAD -

APPLICATION FOR TEMPORARY EXPANSION OF THE DESIGNATED SERVING AREA OF THEIR ON SALE INTOXICATING LIQUOR LICENSE FOR JUNE 17, 2017 FROM 8:00 A.M. – 2:00 P.M. Dan Lindgren was present on behalf of the application. He explained that it would be the same set up as previous years selling beer during marathon from 8:00 a.m. – 2:00 p.m.

Commissioner Stauber made a motion to approve and a second was made by Commissioner Rosenthal. Motion carried.

# ZENITH ASSET COMPANY (INN ON LAKE SUPERIOR) 350 CANAL PARK DRIVE -

APPLICATION FOR A PERMANENT EXPANSION OF THE DESIGNATED SERVING AREA OF THEIR ONE SALE INTOXICATING LIQUOR LICENSE TO ALLOW SALES OF OPEN CONTAINERS FROM THE GIFT SHOP TO GUESTS TO CONSUME ANYWHERE ON THE HOTEL PROPERTY, INCLUDING GUEST ROOMS FOR PERIOD ENDING 8/31/2017. Jesse Hinkemeyer was present on behalf of the application. Officer Vang has been working with the applicant and has approved the expansion to allow sales of open containers from the gift shop. A motion was made by Commission Osthus and a second was made by Commissioner Hanson. Motion Carried.

# CHASERS OF DULUTH, INC. (BEDROCK BAR) 2023 WEST SUPERIOR STREET -

APPLICATION FOR TEMPORARY EXPANSION OF THE DESIGNATED SERVING AREA OF THEIR ON SALE INTOXICATING LIQUOR LICENSE FOR JUNE 17, 2017 FROM 5:30 P.M. – 9:00 P.M. FOR THE LINCOLN PARK FISHING CONTEST. Jan Benson was present on behalf of the application. Ms. Benson explained that this was the 13<sup>th</sup> year they have been holding the event and there have never been any issues. Commissioner Osthus made a motion to approve and a second was made by Commissioner Rosenthal. Motion carried.

RIDGEVIEW COUNTRY CLUB, 700 W. REDWING STREET, 55803 – APPLICATION FOR A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE FOR JULY 27-30, 2017 WITH CLINT JOHNSON, MANAGER. Clint Johnson was present on behalf of the application. Mr. Johnson explained that this is one of their fundraiser golf tournaments that is held each year and that there are no expected changes. Commissioner Rosenthal made a motion to approve and a second was made by Commissioner Stauber. Motion carried.

<u>H17</u> - APPLICATION FOR AN ON SALE INTOXICATING LIQUOR DANCE LICENSE FOR PERIOD BEGINNING MAY 1, 2017 AND ENDING AUGUST 31, 2017 WITH KEN WILSON, MANAGER. Manager Ken Wilson was present on behalf of the application. Mr. Wilson stated that occasionally Lucky's 13 has entertainment and would like people to be able to dance, should they choose. Commissioner Stauber made a motion to approve and a second was made by Commissioner Hanson. Motion carried.

# <u>SIR BENEDICTS IV, INC (SIR BENEDICTS TAVERN ON THE LAKE) 805 EAST SUPERIOR STREET</u> –

APPLICATION FOR TEMPORARY EXPANSION OF THE DESIGNATED SERVING AREA OF THEIR ON SALE INTOXICATING LIQUOR LICENSE FOR JULY 28-29, 2017 FROM 7-10 P.M. FOR ALL PINTS NORTH PRE-PARTY. Manager Josh Stotts was present on behalf of the application and told the commissioners this would be for the annual All Pints North pre-party and it would be the same as last year. Commissioner Rosenthal made a motion to approve and a second was made by commissioner Stauber.

MINNESOTA CRAFT BREWERS GUILD, BAYFRONT PARK - APPLICATION FOR A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE FOR JULY 29, 2017, FOR "ALL PINTS NORTH SUMMER BREWFEST" WITH AMANDA BUHMAN, MANAGER Ms. Buhman appeared on behalf of the application. She explained there were no changes from last year. A

motion was made by Commissioner Osthus and a second was made by Commissioner Hanson. Motion carried. .

<u>STREET</u> APPLICATION FOR AN ON SALE INTOXICATING LIQUOR LICENSE, FOR THE PERIOD ENDING AUGUST 31, 2017, ERIC FAUST, 100% OWNER. Eric Faust was present on behalf of the application and told the commission that they would be serving from 4-9:00 p.m. Tuesday-Saturday only. Attorney Hanke stated that he saw not issue in a liquor license there and the clerk asked that Attorney Lutterman's statement be considered. A motion was made by Commissioner Stauber to approve and a second was made by Commissioner Hanson. Motion Carried. Clerk Pirkola asked Mr. Faust to stop into the Clerk's office and speak with Marian.

CITY ATTORNEY'S OFFICE SUBMITTING DRAFT ORDINANCE AN ORDINANCE AMENDING SECTION 8-17, CHAPTER 8 OF THE DULUTH CITY CODE RELATING TO THE DAYS AND HOURS OF SALE OF INTOXICATING LIQUOR AND REPEALING THE PROHIBITION ON SUNDAY OFF-SALE OF INTOXICATING LIQUOR.

ATTORNEY HANKE EXPLAINED THE REASON FOR THE NECESSARY CHANGE TO THE AMENDMENT. THE COMMISSION HAD NO COMMENTS OR DISCUSSION, AND A MOTION WAS MADE BY COMMISSIONER STAUBER AND A SECOND BY COMMISSIONER HANSON. MOTION CARRIED TO APPROVE.

There being no further business to bring before the commission, the meeting was declared adjourned at 5:20 p.m.