

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

August 7, 2013

The regular meeting of the Alcohol, Gambling & Tobacco Commission was held on Wednesday, August 7, 2013, at 4:45 p.m., in the City Council Chambers, 3rd Floor, City Hall.

ROLL CALL: Present: Lindsay Bartholomew-Kolu, Dennis Birchland, Bjorn Braaten,
Chris Pekkala, Jeff Rosenthal - 5
Absent: Ryan Stauber, President Donahue - 2

The minutes of the June 5 and July 3, 2013, Alcohol, Gambling and Tobacco Commission meetings were unanimously approved.

NEW BUSINESS:

COLLEGE ST. SCHOLASTICA, (HOMECOMING TAILGATE PARTY), 1200 KENWOOD AVENUE - APPLICATION FOR A TEMPORARY ON SALE 3.2 MALT LIQUOR LICENSE FOR SEPTEMBER 28, 2013, WITH CARRIE EMSLANDER, MANAGER.

Carrie Emslander was present on behalf of the application. Ms. Emslander explained that this is their annual tailgating party being held in the parking lot at the school prior to the football game as part of the alumni weekend. She continued saying that the event will be open to parents and alumni going to the game and will run from 11:30 a.m. to 3:30 p.m. To questioning, Ms. Emslander replied that they a section of the parking lot fenced off for the beer garden and will be hiring one off duty police officers for the event. Officer Vang stated that they agreed upon security for the event. There being no further discussion, Mr. Birchland moved that the APPLICATION OF COLLEGE OF ST SCHOLASTICA, 1200 KENWOOD AVENUE, FOR A TEMPORARY ON SALE 3.2 PERCENT MALT LIQUOR LICENSE FOR SEPTEMBER 28, 2013, WITH CARRIE EMSLANDER, MANAGER, BE APPROVED AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Rosenthal seconded the motion and it was unanimously approved.

HISTORIC UNION DEPOT, (THE DEPOT), 506 W. MICHIGAN STREET - APPLICATION FOR TEMPORARY EXPANSION OF THEIR ON SALE INTOXICATING LIQUOR LICENSE FOR AUGUST 29 AND SEPTEMBER 1, 2013.

Ken Buehler was present on behalf of the applications. Mr. Buehler explained that the first event is for the Mayor's Pride reception which ties in with the GLBT Pride weekend. He reviewed that they will be putting a service bar outside with the hours going from 4:00 p.m. to 7:00 p.m. He continued saying that they will be applying for a special events license to close off Michigan street with barricades with check points in order to expand their liquor sales out onto the street. To questioning from the commission, Mr. Buehler replied that

they will be setting up a stage on Michigan Street directly across from the entrance to the Great Hall with snow fencing behind the stage area supported by the parking meters. Mr. Buehler explained there second application is for the waiting and boarding area along the railroad tracks. He explained that there will be a train ride for families on that day, and approximately an hour before the train leaves they would like to provide drinks to the adults waiting for the train. To questioning from the commission, Mr. Buehler replied the access through that area is only through the museum and the open side of the boarding area will have 8 foot high snow fencing. He went on to say he will be contracting with the police department for security for both events. There being no further discussion, Mr. Birchland moved that THE APPLICATIONS OF HISTORIC UNION DEPOT, (SLC HERITAGE & ARTS CENTER), 506 WEST MICHIGAN ST, FOR TEMPORARY EXPANSION OF THE LICENSED PREMISES OF THEIR ON SALE INTOXICATING LIQUOR LICENSE FOR AUGUST 29 AND SEPTEMBER 1, 2013 BE APPROVED, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Braaten seconded the motion, and it was unanimously approved.

NORTH POLE BAR, INC., (NORTH POLE BAR), 5606-5610 RALEIGH STREET - APPLICATION FOR TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE FOR THE PERIOD ENDING AUGUST 31, 2013, WITH BARBARA STEVENS, 100% OWNER, TRANSFERRED FROM SCOTT SUTHERLAND, (NORTH POLE BAR), SAME ADDRESS.

Barbara Stevens was present on behalf of the application. Ms. Stevens explained that she is in the process of buying the bar from Scott Sutherland and looking for approval from the commission. Ms. Stevens explained that she has seven years experience bartending and bar management but never owned a bar before. To questioning from the commission, Ms. Stevens replied she is not planning on changing the staff at this time. Officer Vang stated he has approved this application. There being no further discussion, Mr. Rosenthal moved that THE APPLICATION OF NORTH POLE BAR, INC., (NORTH POLE BAR), 5606-5610 RALEIGH STREET FOR TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE FOR THE PERIOD ENDING AUGUST 31, 2013, WITH BARBARA STEVENS, 100% OWNER, TRANSFERRED FROM SCOTT SUTHERLAND, (NORTH POLE BAR), SAME ADDRESS, BE APPROVED, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Braaten seconded the motion, and it was unanimously approved.

WAYZATA DULUTH HOSPITALITY ASSOCIATES, LLC (RADISSON HOTEL DULUTH HARBORVIEW), 505 W. SUPERIOR ST - APPLICATION FOR TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE, ON SALE SUNDAY LICENSE, AND DANCING LICENSE FOR THE PERIOD ENDING AUGUST 31, 2013, TRANSFERRED FROM TB DULUTH, LLC (RADISSON HOTEL DULUTH HARBORVIEW), SAME ADDRESS.

Robert Schneider was present on behalf fo the application. Mr. Schneider explained that he is part of the group looking to purchase the Radisson Hotel with an anticipated closing date of August 31st and looking to transfer the hotel's liquor license. He reviewed that the liquor license would include room service, banquet room, and two restaurants. To questioning from the commission, Mr. Schneider replied that he has been in this business since 1981 and this

is his 51st hotel purchase and currently operates one other hotel in Minnesota. To further questioning from the commission, Mr. Schneider replied they are keeping the current staff at the hotel including the beverage staff and continue the alcohol training that has been in place with the other management company. He continued saying that they require all liquor staff to go through training at all of their hotels. There being no further discussion, Mr. Birchland moved that THE APPLICATION OF WAYZATA DULUTH HOSPITALITY ASSOCIATES, LLC (RADISSON HOTEL DULUTH HARBORVIEW), 505 W. SUPERIOR ST - APPLICATION FOR TRANSFER OF THE ON SALE INTOXICATING LIQUOR LICENSE, ON SALE SUNDAY LICENSE, AND DANCING LICENSE FOR THE PERIOD ENDING AUGUST 31, 2013, TRANSFERRED FROM TB DULUTH, LLC (RADISSON HOTEL DULUTH HARBORVIEW), SAME ADDRESS, BE APPROVED, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Rosenthal seconded the motion, and it was unanimously approved.

FLAME NIGHTCLUB, INC. (FLAME NIGHTCLUB), 28 N 1ST AVENUE WEST, - APPLICATION FOR PERMANENT EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE FOR THE PERIOD ENDING AUGUST 31, 2013.

Vince Nelson, owner, and Kristin Looney, manager, were present on behalf of the application. Ms. Looney explained they would like to have an extension of their licensed premises so their patrons can bring their drinks with them when they go out for a smoke onto the deck. She stated that currently they use the upper deck for smoking, but there is security posted at the door so that no one can bring their drink out with them. Ms. Looney stated that there is a deck on each floor of the building, and the first floor deck will have a gate on it so that no one will be allowed off the deck with their drink, and there will be security also on the deck. To the clerk's questioning, Mr. Nelson replied that the first floor will be open within the next few weeks which will allow access to the first floor deck. To questioning from the commission, Ms. Looney replied that they haven't had any complaints from neighbors from people using the deck for smoking.

Officer Vang voiced concern on behalf of the police department on the application. He explained he did a comparison on complaint calls between the Flame Nightclub and Aces. He explained the bars are close in proximity and Aces has a younger crowd that could potentially generate more complaints. Officer Vang reviewed that from August 2012 to July 2013, the Flame generated 120 service calls and Aces had 64 as shown on the handout given to the commissioners. He continued saying that when reviewing these types of calls, the department looks to see whether the management could have controlled some of the incidents from happening and it appears that the management was not in charge of their customers. Officer Vang explained that the police department is concerned that an establishment with many service calls already and adding a different environment such as the deck could create more disturbances outside, especially for the owners and tenants of the buildings on the block.

Ms. Looney replied that they have hired a new head of security who started in July and has cracked down on a lot of things and they have already noticed a better change with fewer disturbances in and outside of the bar. She stated that they are always trying to improve the situation and meeting with staff to see what they can do to make it better. Mr. Nelson reviewed that they did have some noise complaints when they first opened when they would open their windows at night, but they have since put in more air conditioning so they don't need to open

the windows any more. He also reviewed they are expanding their inside space by opening up the lower level of the building to help keep the disturbances off the street. Mr. Nelson stated the community police officer has not notified him in the last few months of any calls or concerns from the police department. The commission questioned what security do they have on a nightly basis, and Ms. Looney replied they had an off duty police officer on weekends and security every night.

Officer Vang stated while it is good they have a new head of security, there is no track record from July in which to evaluate. He continued saying that the recommendation of the police department is not to approve this application at this time.

There being no further discussion, Mr. Birchland moved for denial of the application based on the recommendation from the police department, the high number of calls for service over the past year, and suggested the applicant reapply in 60-90 days. Mr. Braaten seconded the motion, and it was unanimously approved.

RENEWAL APPLICATIONS OF THE ON SALE INTOXICATING LIQUOR LICENSES, ON SALE SUNDAY LICENSES, ON SALE DANCING LICENSES, ADDITIONAL BAR LICENSES, AND 2:00 A.M. LICENSES, FOR THE PERIOD BEGINNING SEPTEMBER 1, 2013, AND ENDING AUGUST 31, 2014.

RENEWAL APPLICATIONS OF THE ON SALE WINE LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2013, AND ENDING AUGUST 31, 2014.

RENEWAL APPLICATIONS OF THE OFF SALE INTOXICATING LIQUOR LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2013, AND ENDING AUGUST 31, 2014.

RENEWAL APPLICATIONS OF THE ON SALE "CLUB" LIQUOR LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2013, AND ENDING AUGUST 31, 2014.

RENEWAL APPLICATION OF THE BREWERY MALT LIQUOR ON AND OFF SALE INTOXICATING LIQUOR LICENSES FOR THE PERIOD BEGINNING SEPTEMBER 1, 2013, AND ENDING AUGUST 31, 2014.

The clerk reviewed that all intoxicating liquor licenses come due for renewal on September 1st each year. The clerk explained that the police, fire, city sales tax, and health departments all have to give their approval to the each licensee's renewal before issuance. The clerk also stated that city sales tax and property taxes also need to be paid in full before issuance. To questioning from the commission, the clerk replied that there are several licensees who have a problem with a department or a tax issue, and that as of September 1st no license will be issued unless all the departments have given their approval. There being no further discussion, Mr. Birchland moved that THE RENEWAL INTOXICATING LIQUOR APPLICATIONS AS LISTED BE APPROVED, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Rosenthal seconded the motion, and it was unanimously approved.

LAWFUL GAMBLING:

DULUTH EAST ATHLETIC ASSOC

Raffle exemption - 60 day waiver

Dena Cyr was present on behalf of the application. Ms. Cyr explained this request is for their annual sports raffle that is held at East High School. She explained that this is a year long raffle with proceeds going to all sports at East High School. To questioning from the commission, Ms. Cyr replied that the raffle will be going through May with cash as the prizes. There being no further discussion, Mr. Birchland moved that THE 60 DAY WAIVER REQUEST OF DULUTH EAST ATHLETIC ASSOCIATION FOR A RAFFLE EXEMPTION PERMIT BE APPROVED, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Rosenthal seconded the motion, and it was unanimously approved.

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