

PURCHASING AND LICENSING COMMITTEE

11-0077R

RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE HACIENDA DEL SOL, INC. (HACIENDA DEL SOL), 319-321 EAST SUPERIOR STREET.

CITY PROPOSAL:

BE IT RESOLVED, that the city council of the city of Duluth makes the following findings of fact:

(a) On January 5, 2011, the alcohol, gambling and tobacco commission held a public hearing to consider whether disciplinary action should be taken against the intoxicating liquor license of Hacienda Del Sol, Inc., d/b/a Hacienda Del Sol, 319-321 East Superior Street, and has submitted its report to the city council of the city of Duluth as Public Document No. _____;

(b) Pursuant to Duluth City Code Chapter 8, Section 9, clause (a), on February 14, 2011, the city council considered the records and evidence submitted;

(c) The finding of facts as set forth in Public Document No. _____ regarding any suspension, revocation and/or civil penalty relating to the on sale intoxicating liquor license of Hacienda Del Sol, Inc., d/b/a Hacienda Del Sol, 319-321 East Superior Street, are adopted.

BE IT FURTHER RESOLVED, that the decision of the city council regarding any suspension, revocation and/or civil penalty is as follows: that the licensee pay a \$500 civil penalty, and that payment of the \$500.00 penalty be stayed until April 15, 2011 on the condition that the Licensee pay both the third and fourth quarter license fees on or before that date. If either the third or fourth quarter installments (together with any late fees) are not paid in full on or before April 15, 2011, then the \$500.00 penalty will be due and payable within 30 days of April 15, 2011.

Approved as to form:



Attorney

CLERK JJC:mao 1/12/2010

STATEMENT OF PURPOSE: The alcohol, gambling and tobacco commission (AGTC) held a hearing on January 5, 2011, regarding the liquor license of Hacienda Del Sol. The licensee has the option of paying his liquor license in quarter payments, and the second quarter payment was due October 15, 2010. The AGTC was notified by the clerk's office at their November meeting that this licensee had yet to make his second quarter payment, so the AGTC directed the attorney's office to send a letter notifying him of potential consequences of non-payment which could result in a hearing against his license. With non-payment by their December meeting, the AGTC called for the hearing at their January meeting. The licensee paid his quarter payment on January 4, 2011. The licensee explained at the hearing that there was a large amount of damage to his property which has caused financial hardship and is trying to meet his debts. The AGTC is recommending a first offense fine of \$500, but because of mitigating circumstances of financial hardship, staying the \$500 payment until April 15, 2011, on the condition that both the third quarter (due January 15, 2011) and fourth quarter (due April 15, 2011) liquor payments are paid on or before that date.

CITY OF DULUTH

ALCOHOL, GAMBLING AND TOBACCO COMMISSION

REPORT TO THE CITY COUNCIL

IN THE MATTER OF THE INTOXICATING LICENSE OF HACIENDA DEL SOL, INC.,
319/321 East Superior Street, Duluth, MN 55802.

The above-entitled matter came on for hearing before the Duluth Alcohol, Gambling and Tobacco Commission on January 5, 2011, in the City Council Chambers in Duluth, Minnesota. The hearing record closed on January 5, 2011 upon completion of the hearing.

Terri L. Lehr, Assistant City Attorney, City of Duluth, Office of the City Attorney, 410 City Hall, Duluth, Minnesota, 55802, appeared on behalf of the City licensing staff.

Licensee appeared by its authorized agent, Kevin Deutsch.

This Report is a recommendation, not a final decision. The Duluth City Council will make the final decision after a review of the record which may adopt, reject or modify the Findings of Fact, Conclusion and Recommendations contained herein. Pursuant to Minn.Stat. §14.61, the final decision of the Council shall not be made until this Report has been made available to the parties to the proceeding for at least ten days. An opportunity must be afforded to each party adversely affected by the Report to file exceptions and present argument to the City Council. Parties should contact the City Clerk to ascertain the procedure for filing exceptions or presenting argument.

FINDINGS OF FACT

The commission makes the following findings of fact.

1. Licensee is licensed by the City of Duluth to sell intoxicating liquor "on-sale" at

the premises located at 319/321 East Superior Street, Duluth, Minnesota 55802.

2. Licensee has opted to pay the fee for his license on a quarterly basis.
3. On or about October 15, 2010, Licensee's second quarter license fee was due and payable.
4. Licensee has been provided with multiple notices regarding the due date of the second quarterly payment and the potential consequences of non-payment.
5. The Commission issued its Notice of Hearing and set a hearing date of January 5, 2011.
6. Licensee did not tender payment of the second quarter license fee until 4:20 p.m. on Tuesday, January 4, 2011.
7. Section 8-9(b)(3) of the Duluth City Code provides that failure to pay license fees shall be deemed good cause for disciplinary action.
8. This is the Licensee's first violation for purposes of the presumptive penalty schedule provided for in Duluth City Code section 8-9. Mitigating circumstances include the following: unforeseen damage to the Licensee's property and financial hardship.

CONCLUSIONS

Based upon these facts, the commission makes the following conclusions:

1. That the violation as alleged in the Notice of Hearing occurred.
2. That good cause exists to impose discipline upon the Licensee as a result of the violation.
3. That the violation is a first offense and the presumptive penalty for a first offense is a \$500.00 civil penalty. However, mitigating circumstances exist in this case and include unforeseen damage to the Licensee's property and financial hardship.

RECOMMENDATION

It is the recommendation of the Duluth Alcohol, Gambling and Tobacco Commission that the Duluth City Council impose a civil penalty as follows:

1. That the Licensee pay a \$500.00 civil penalty; and

2. That payment of \$500.00 of the penalty be stayed until April 15, 2011 on the condition that the Licensee pay both the third and fourth quarter license fees on or before that date. If either the third or fourth quarter installments (together with any late fees) are not paid in full on or before April 15, 2011, then the \$500.00 penalty will be due and payable within 30 days of April 15, 2011.

Dated: 2/2/2011

DULUTH ALCOHOL, GAMBLING
AND TOBACCO COMMISSION

By: 
George Hanson, President

CITY OF DULUTH

ALCOHOL, GAMBLING AND TOBACCO COMMISSION

NOTICE OF HEARING

TO: Hacienda Del Sol, Inc., Attention: Kevin Deutsch, President, 319/321 East Superior Street, Duluth, Minnesota 55802

PLEASE BE ADVISED that on **January 5, 2011**, at **4:45 p.m.** in the Council Chambers at City Hall in the City of Duluth, the Duluth Alcohol, Gambling and Tobacco Commission will hold a hearing, pursuant to Minnesota Statutes §340A.415 and Section 8-9 of the Duluth City Code, to consider what, if any, disciplinary action, including suspension or revocation or a civil fine of not to exceed \$2,000, will be recommended to the Duluth City Council with respect to your intoxicating liquor license.

If you do not appear at said hearing, the Alcohol, Gambling and Tobacco Commission may, in your absence, recommend that the Duluth City Council consider the allegations contained herein to be true.

At the above-mentioned hearing, you may, at your option, be represented by legal counsel.

The Rules for Contested Case Hearings Minnesota Rules Chapter 1400, Part 5550, et.seq, to the extent applicable, and Minnesota Statutes §14.57 through §14.69 govern. Copies of these laws and rules may be obtained at the Duluth Public Library or online from the official web site of the State of Minnesota.

The City will present its case, and then you will have an opportunity to present your case. At the time of the hearing, you should be prepared to produce any evidence and arguments you feel are relevant to the issues raised. You or your attorney will be allowed

to cross-examine all adverse witnesses. If needed, subpoenas are available (Minnesota Rules 1400.7000).

You must advise the Commission if you seek to admit evidence that is classified not public. If data that is not public is admitted, it may become public. Relief is available under Minnesota Statutes §14.60, subd. 2. If an interpreter is needed, you must inform the Commission and one will be appointed.

A notice of appearance must be filed with the City Clerk within 20 days of the date of service of the notice of hearing if you intend to appear at the hearing unless the hearing date is less than 20 days from the issuance of the notice of hearing.

The person representing the City, who you should contact to discuss settlement or other concerns is Terri L. Lehr, Assistant City Attorney.

The hearing will be open to the public.

The following facts give rise to the inquiry and hearing mentioned above:

1. Hacienda Del Sol, Inc. d/b/a Hacienda Del Sol, is licensed by the City of Duluth to sell intoxicating liquor “on-sale” at the premises located at 319/321 East Superior Street, Duluth, Minnesota 55802.
2. Licensee has opted to pay the fee for his license on a quarterly basis.
3. On or about October 15, 2010, Licensee’s second quarter license fee was due and payable. Licensee has failed to tender payment of the second quarter license fee.
4. Licensee has been provided with multiple notices regarding the due date of the second quarterly payment and the potential consequences of non-payment. (These notices are attached as City Document Numbers 2-4).

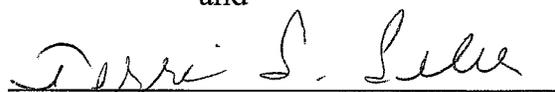
Pursuant to City Code Sections 8-9(a) and (b)(1) the Alcohol, Tobacco and Gambling Commission will consider whether the violation alleged is good cause for suspension or revocation of the liquor license or for the imposition of a civil penalty.

(Records Supporting This Notice Are Attached As City Document Numbers 1-4.)

Dated: December 3, 2010

JEFFREY J. COX, Secretary
Alcohol, Gambling and Tobacco
Commission

and

A handwritten signature in cursive script, appearing to read "Terri L. Leher", is written over a horizontal line.

TERRI L. LEHR, (0191668)
Assistant City Attorney

Gunnar B. Johnson, City Attorney
Attorneys for the Alcohol, Gambling and
Tobacco Commission



CITY OF DULUTH
CITY CLERK'S OFFICE
 330 City Hall • 411 West First Street
 Duluth, Minnesota 55802
 Phone: (218) 730-5500
 FAX: (218) 730-5923

FOR OFFICE USE ONLY	
DATE	<u>7/19/10</u>
LICENSE #	<u>58204</u>

LICENSE RENEWAL APPLICATION

GOVERNMENT DATA PRACTICES ACT - CLASSIFICATION WARNING: The data you supply on this form will be used to process the license you are applying for. You are not legally required to provide this data, but we will not be able to process the license without it. Some of the data will be classified as public data if and when the license is granted. Private financial information including a tax identification number and social security number are classified as private data and will be available to governmental personnel and other governmental agencies whose access is necessary to perform their official duties.

Period: 09/01/2010 -- 08/31/2011

<u>License Type</u>	<u>Fee</u>	<u>Clerk's Fee</u>	<u>Total</u>
On Sale Intox Liquor	\$3,908.00	\$0.00	\$3,908.00
On Sale Sunday	\$167.00	\$0.00	<u>\$167.00</u>
Pay this Amount:			\$4,075.00

Licensee/Business Address/Premises

HACIENDA DEL SOL, INC
 321/319 E SUPERIOR ST
 MN FL/UPPER/DECK
 DULUTH, MN 55802

Tradename: HACIENDA DEL SOL

Business Phone: 722-7296

Managers Name/Address/Phone

KEVIN DEUTSCH
 319 E SUPERIOR ST
 DULUTH, MN 55802
 000-0000

Owner of Business Premises

HACIENDA DEL SOL INC
 319 E SUPERIOR ST
 DULUTH, MN 55802

Plat/Parcel: 03830 / 00170

Comments:

KEVIN DEUTSCH/PRESIDENT

I hereby state that all information here is true and correct and that I shall comply with all the provisions of the Ordinances of the City of Duluth and Laws of the State of Minnesota and their Amendments.

Kevin B Deutsch

(Signature of Applicant)

HACIENDA DEL SOL, INC
 DBA: HACIENDA DEL SOL
 P O BOX 3124
 DULUTH, MN 55803

000212



CITY OF DULUTH

CITY CLERK'S OFFICE
330 City Hall • 411 West First Street
Duluth, Minnesota 55802
Phone: (218) 730-5500
FAX: (218) 730-5923

HACIENDA DEL SOL, INC
DBA: HACIENDA DEL SOL
319 E SUPERIOR ST
DULUTH, MN 55802

Your 2nd installment payment is now due for the following license(s).

To avoid a penalty, payment must be in the City Clerk's Office or postmarked on or before:
October 15, 2010

You may either pay:

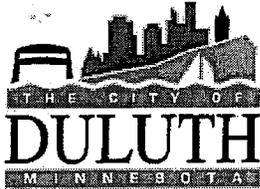
- 1. The 2nd quarterly installment total,
OR
- 2. The remaining balance due.

<u>License Description</u>	<u>2nd Quarterly Payment</u>		<u>Remaining Balance Due</u>
On Sale Intox Liquor	\$977.00		\$2,931.00
On Sale Sunday	\$41.75		\$125.25
	PLEASE PAY:	\$1,018.75	OR \$3,056.25

JEFFREY J. COX
City Clerk

Section 8-56 of the Alcoholic Beverage Code states:
"In any case where any payment for any alcoholic beverage license is not made when due, a penalty fee, which shall be set in accordance with Section 31-6(a) of this Code, shall be added to the fee. Nonpayment of fees shall constitute good cause for suspension or revocation of any license."

The late penalty fees are as follows: On Sale Intoxicating Liquor - \$261; Wine - \$78; Off Sale Liquor - \$104.



CITY OF DULUTH
CITY CLERK'S OFFICE
330 City Hall • 411 West First Street
Duluth, Minnesota 55802-1189
URL: www.duluthmn.gov
Phone (218) 730-5500
Fax (218) 730-5923

October 21, 2010

Hacienda Del Sol
319 East Superior Street
Duluth, MN 55802

Dear Licensee:

Our office has not received your 2nd quarter payment for your On Sale Intoxicating liquor license. **This was due in our office no later than October 15, 2010.**

Section 8-56 of the Duluth City Code states "WHERE ANY PAYMENT FOR ANY ALCOHOLIC BEVERAGE LICENSE IS NOT MADE WHEN DUE, A PENALTY FEE, WHICH SHALL BE SET IN ACCORDANCE WITH SECTION 31-6 (a) OF THIS CODE, SHALL BE ADDED TO THE FEE. NON-PAYMENT OF FEES SHALL CONSTITUTE GOOD CAUSE FOR SUSPENSION OR REVOCATION OF ANY LICENSE."

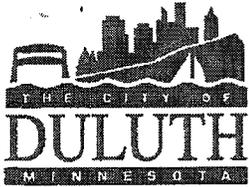
Late Payment Fee: On Sale Liquor - \$280

Please remit payment **plus** the penalty **no later than Friday, October 29, 2010.** If the penalty payment is not received, non payment will be reported to the Alcohol, Gambling and Tobacco Commission at their November, 2010, meeting which could result in action being taken against your license, including non issuance of your license for the period beginning September 1, 2010.

Respectfully,

Jeffrey J. Cox
City Clerk

Copy



City of Duluth
Attorney's Office

411 West First Street • Room 410 • Duluth, Minnesota • 55802-1198
218-730-5490 • Fax: 218-730-5918 • www.duluthmn.gov

An Equal Opportunity Employer

November 3, 2010

Hacienda del Sol, Inc.
Attn: Kevin Deutsch
319 E. Superior St.
Duluth, MN 55802

Re: Unpaid 2nd quarter intoxicating liquor license payment.

Dear Mr. Deutsch:

The purpose of this letter is to advise you of the action taken by the Alcohol, Gambling & Tobacco Commission at its November 3, 2010 meeting. It directed that if the 2nd quarter intoxicating liquor license payment is not received by the City Clerk on or before November 24, 2010, the Commission will conduct a disciplinary hearing on January 5, 2010.

Should a hearing be necessary you will be provided with a Notice of Hearing. Please be advised that the failure to tender the required payment is grounds for suspension or revocation of the license.

Your payment should be delivered to the City Clerk.

Sincerely,

M. Alison Lutterman
Deputy City Attorney

C: City Clerk

Alcohol, Gambling, and Tobacco Hearing
January 5, 2011
Hacienda Del Sol, Inc., d/b/a Hacienda Del Sol, 319 E. Superior Street

Oswald: It is the hearing to decide if any disciplinary action should be taken on Hacienda Del Sol, 319 East Superior Street and Terri Lehr here is from the City Attorney's office.

Hanson: Welcome.

Lehr: Thank you, President Hanson. Commissioners, Hacienda Del Sol is before this Commission today for failure to timely pay the second quarter liquor license fee. The fee was due October 15, 2010. Notices were sent to Hacienda Del Sol regarding the fee and copies of all the notices that were sent are attached to the Notice of Hearing that was filed. There has been a development since the Notice of Hearing was served on December 3rd. I've been advised by the Clerk's office that the second quarter installment was paid in full at 4:20 p.m. yesterday. However, the City does have a recommendation regarding the disciplinary action that it should be taken regarding this case. I would like to be heard on that at the appropriate time but at this point, I would rest on the Notice of Hearing and the documents that have been filed before the Commission.

Hanson: Could you move the microphone a little bit closer to you? For some reason, when you turn your head, I'm losing you.

Lehr: Can you hear me?

Hanson: There. Now we can. Yes. As long as you keep looking this way, we're cool.

Lehr: I would rest at this point and would simply rely on the Notice of Hearing and notices filed with the court for the Commission.

Hanson: Okay. So your recommendation right now is....

Lehr: My recommendation would be for this Commission to impose a \$500.00 civil penalty and the reason for that is that a number of City employees, along with this Commission's members, have spent time and energy on this matter. As you can see from the notices attached to the hearing notice, there have been at least two notices sent out by the Clerk's office, a follow up notice asking for payment on October 29th and then there was a letter drafted by Attorney Lutterman again asking for payment with another deadline of November 24th. Payment was not forthcoming and

then it is my understanding that this Commission had previously met and discussed this matter and based on that discussion, I've then drafted and served the notice of hearing that was served on Hacienda Del Sol on December 1st. So a number of people spent a fair amount of time and energy on this matter. The concern is that there are two more installments that are due and then we have to repeat all of this time consuming work to get the third and fourth installments. So, the City is recommending that there be a \$500.00 penalty imposed but the penalty stayed on the condition that Hacienda Del Sol timely make payments of the third quarter installment and the fourth quarter installment. But, that if payment is not made, then the \$500.00 penalty would become due in full within 30 days after default of either the payment of the third or fourth quarter installments. So, if the third quarter installment is not paid on January 15th, then the \$500.00 would be due within 30 days of January 15th. If it is timely paid, then the same would apply to the fourth quarter payment coming due in March...I'm sorry, April 15th. So, if it's not timely submitted by April 15th, at that time the \$500.00 penalty would become due and payable.

Hanson: Questions from anybody?

Hanson: Mr. Deutsch. Do you have any questions for Terri at this point?

Deutsch: She seemed very clear.

Hanson: You have a chance now to present your side of the case here.

Deutsch: Well, first of all, I apologize for the late payments and the efforts the City and the Council have had to take. I have no argument with any of that. The financial, physical, and mental strain of the damages, over \$650,000 in damages done to our building, business, and to my staff, has taken an obvious toll. That continues. Recently we resolved the legal action against George Sherman and Bolt Construction but because of the tactics in the legal team that they put up against us, it ended very unsuccessfully. Now this is something that I hadn't fathomed, all the people, some of the people in the City who have supported us through this whole process, nobody thought it would end this bad and it's gonna be a year long struggle for us to maintain and survive. A lot of people have said that, you know, reviewing what I'm going through that it would be easier for me to walk away. But, I have staff and all the good efforts of the people that have contributed and I'll be darned if I'll fold and walk away from this process. So, I'm all in and I'll continue to be all in in maintaining my business and the staff that have put up with this for four years. It's been that long of a process. I have no argument with the City Attorney. You know, I take responsibility for everything here. You know, this is an

overwhelming situation. But, that being said, you know, my obligations to the City, the obligations to all my vendors, is a serious obligation that I have to continue and that I have to fulfill and, yes, in a timely manner, but it's been that much of a twist and that much of a struggle for us to maintain. If I didn't think there was a chance that we might survive, I would walk away. But, I do believe that we can survive. I do believe it's not gonna be easy. It is not the easy route to take but I'm determined. So, again, I extend my apologies. You know, whatever you have to do, it's even fair that you even offered to stay that penalty and quite honestly, I may still have problems. I will do my best. I will try to keep everybody informed as I can but it's gonna be an on-going process.

Hanson: Keeping the City Clerk's office informed would help you.

Deutsch: Right.

Hanson: But leaving us out here wondering what's going on really does not

Deutsch: Right and I have to take full responsibility for that. It's just been that overwhelming. Obviously, I'm still having to be key man and there's no excuse for you as a body and you as the City. I understand that, you know.

Hanson: The phone calls would help

Deutsch: And I'll become more proactive and I have....even the responses that I have gotten recently from the Clerk's, from the City, have been more than understanding, even given an not understandable situation. So, I thank you for that.

Hanson: Um, Commission Birchland.

Birchland: Do you foresee a problem with the January 15th deadline?

Deutsch: You know, I am securing outside funding as I can. I'm doing the best that I can. There could be. I don't anticipate it right now but if there is, I'll ring the bell as quick as I can. I certainly hope not.

Hanson: Cause you will have a late fee to be paid as well.

Deutsch: Yeah. It doesn't help me. It doesn't help when I'm already in a bad, bad situation. It doesn't help to create more of a bad situation. I certainly understand that but

Birchland: The recommended penalty of \$500.00 if it wasn't on the 15th, would then

be imposed beyond any late fees. I'm just wondering if there's anything that we can do to....if you think there's gonna be a problem. I don't want to stack everything against you. I want you to have the best luck in what you're trying to do.

Deutsch: And, I appreciate that. I'm being quite honest, there could be. I'm doing everything I can.

Donahue: Mr. Deutsch, I've know you for a long time and Hacienda Del Sol has been a good corporate citizen in the City of Duluth for years. And with the economy being the way it is, and I'm familiar with what you're going through. I make a motion to turn it from a \$500.00 stayed to \$250.00. Stayed only for the fact that he's employed good people in the city for a long time, and if he can't make the payments, adding \$500.00 to it could be a tipping point. If nobody agrees with me, I can live with it but I'm just saying I'm open to that kind of dialogue.

Birchland: I was actually hoping that maybe we could extend that instead of the penalty immediately on January 15th which is a very short notice, to maybe extend that to the April 15th date. If it's not gonna be possible to make that payment on January 15th, then the communications at that point would be extremely important for us at our next meeting that it didn't take place. But, if it wasn't by April 15th, I might have a hard time extending that any further. I certainly would like to give you every opportunity in the world to make it right.

Deutsch: Well, thank you.

Donahue: You're talking about a livelihood here.

Deutsch: And I appreciate it. But, you know, I will continue no matter what happens. I'm trying to preserve my staff.

Hanson: I'd like to see you stay there cause I really love your food.

Deutsch: Well, thank you. I love what I do. I mean and I

Hanson: Commissioner Hammack, you had a question?

Hammack: Well, I do. Dennis, are you gonna make that a motion?

Birchland: I would make that a motion that

Hammack: I would second that motion

Hanson: Counselor Lutterman.

Lutterman: Thank you. I have a request from the City Council to the Commission with regards to your motion. As you know, there is a presumptive penalty schedule in this Code which can be deviated from either upward or downward depending upon the existence of mitigating circumstances or substantially aggravating circumstances. The Council requests that in your motions making a recommendation to the Council, that the motion maker identify the mitigating factors or substantially aggravating factors justifying the motion maker's deviation from the standard penalty.

Hanson: Thank you ever so much. Go ahead, Mr. Birchland.

Birchland: Stay the \$500.00 penalty until the April 15th deadline. The reason for that would be the circumstance of unforeseen damage to property that has now been apparently taken care of and to at that point, because of that financial hardship to give the proprietor a chance to get back on it's feet with the business and to make the payments on a timely basis after. So I would waive that \$500.00 fee that would be due and payable on the 15th if he didn't make that payment, although I'm sure the City would like to see that payment as soon as possible thereafter, but by the 15th, that if payment wasn't made at that point, then that penalty would be imposed.

Oswald: I guess I'm not clear. So on the January 15th payment you're not putting any restrictions on that.

Birchland: If the payment came in on the 16th, there wouldn't be a \$500.00 fee

Oswald: But you're still want him to pay the January 15th payment.

Birchland: We would certainly appreciate that and if, for any reason, that was unable to be made, that communication was made by the 15th that it wasn't coming and trying to make some arrangements for that.

Oswald: Okay and so then when the April 15th payment comes and he doesn't make that for until the 16th, then we would impose the \$500.00 penalty plus the \$280.00 penalty for the being late.

Hanson: So both of the payments will be due by April 15th?

Birchland: No.

Lutterman: If I understand Commissioner Birchland's motions, he's imposing a \$500.00 fine. He's staying payment of the fine conditioned upon timely payment of the April 15th quarterly license payment. If the April 15th

quarterly license payment is not paid on time, then the \$500.00 penalty will be due and payable.

Hanson: Okay. But the January payment is also due by April then?

Lutterman: This Commission has no authority to change the schedule of the quarterly payments for the licensee. The license is due on January 15th. If he's late with the license fee on January 15th, then the license fee plus the late fee are due and payable and that circumstance of a no payment would be reported to this Commission as we typically do. You're not authorized to change the due date of quarterly payment.

Hanson: I'm just trying to get straight in my head what the motion is.

Birchland: She summarized it the way I intended it to be a lot better than I did obviously.

Hanson: All right. So do we want to try and re-state this one more time or does everybody have a handle on it?

Hammack: I think I understand it. Being I seconded, I'll continue my second.

Hanson: All right. I guess my main concern is that Commissioners understand it well enough to vote on it, and also that Kevin understands it because he's the one that's gonna have to perform under it.

Deutsch: Yeah. I do.

Hanson: All right. Motion's been made and seconded. Is there any further discussion? All in favor say "Aye".

Hanson: Motion carries unanimously. Final actions are up to the City Council, and I would highly recommend you go to that meeting. It'll probably be on the Consent agenda but at the last Council meeting they pulled a couple of our recommendations off the Consent agenda and changed the penalties. Actually increased the penalty. So you really want to be there and you really want to communicate with the Clerk's office here or whoever calls or sends you a letter. Don't leave us hanging.

Deutsch: Nope. I appreciate it.

Hanson: We want you to succeed. We want you to be in business.

Deutsch: I do too. I appreciate that.