

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

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CITY CLERKS OFFICE

February 5, 2014

The regular meeting of the Alcohol, Gambling & Tobacco Commission was held on Wednesday, February 5, 2014, at 4:45 p.m., in the City Council Chambers, 3rd Floor, City Hall.

ROLL CALL: Present: Lindsay Bartholomew-Kolu, Dennis Birchland, Bjorn Braaten, Bryn Pollard, Jeff Rosenthal, Ryan Stauber and President Chris Pekkala

The January 2, 2014, Alcohol, Gambling and Tobacco Commission minutes were unanimously approved.

**COMMUNICATIONS:**

COMMISSIONERS STAUBER AND ROSENTHAL SUBMITTED PROPOSED RESOLUTION TO CONSIDER AMENDING CURRENT OFF-SALE LIQUOR RESTRICTIONS ON SUNDAYS.

Mr. Stauber explained that this proposed resolution has no legal bearing. It is simply a motion of support from this body for the State Senate and State House in their effort of repealing old laws and moving forward. In response to Commission questions, Mr. Stauber stated that he was not sure who their liaison is on the City Council but emphasized that he had not spoken with any of the City Councilors in regard to supporting this proposed resolution.

Assistant Attorney Lutterman explained that if the Commission wanted to forward this item to the City Council, that it would go to them as a communication from this body, not as an action item. A City Councilor could then ask the City Attorney's office to draft a resolution, if they so desired. Mr. Stauber moved that the proposed resolution be forwarded to the City Council for consideration. Mr. Birchland seconded the motion and it was unanimously approved.

**NEW BUSINESS:**

**DUBH LINN, INC. (DUBH LINN IRISH BREW PUB), 109 WEST SUPERIOR STREET - APPLICATION FOR AN ON SALE SUNDAY INTOXICATING LIQUOR LICENSE FOR THE PERIOD ENDING AUGUST 31, 2014.**

Mike Maxim appeared on behalf of this application. He is the owner of the Dubh Linn Irish Brew Pub. He was approached by the Duluth Running Company who holds an annual run each year starting at the Leif Erickson Park. The Duluth Running Company would like to expand the run this year (March 9, 2014) and have it end in front of the Dubh Linn Irish Brew Pub. This would involve closing Michigan Street and 2nd Avenue West and Superior Street in front of the Brew Pub.

The City Clerk explained the parameters of a special event...that it is an administrative process and requires support from the Duluth Police Department as well as approval by the Administration. He further added that a special permit would be required in order to close down the streets. Based on the application in front of the Commission today, the applicant is applying for an on sale Sunday intoxicating liquor license to cover this event, as they are not normally open on Sundays. They do meet the requirements for this license. He clarified that the Commission was only considering the on sale Sunday license today, not the special event permit.

Mr. Maxim said they had been open a few times in the past for big events such as the Super Bowl and large Christmas parties, but it was in very limited instances. In response to questions from the Commission, he stated he was only considering being open for this one Sunday as of right now, but no more than three Sundays for the entire year.

There being no further questions or discussion, Mr. Braaten moved that THE APPLICATION FOR AN ON SALE SUNDAY INTOXICATING LIQUOR LICENSE FOR THE PERIOD ENDING AUGUST 31, 2014 BE APPROVED AND, THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Stauber seconded the motion and it was unanimously approved.

**LYRIC BLOCK DEVELOPMENT, CORP. (MARKET), 200 WEST FIRST STREET – APPLICATION FOR A PERMANENT EXPANSION OF THE DESIGNATED SERVING AREA OF THE ON SALE INTOXICATING LIQUOR LICENSE.**

George Goldfarb, general manager, appeared on behalf of this application. Mr. Goldfarb reviewed that they have just remodeled their lobby at the Holiday Inn and incorporated a “market” area, which would sell candy, chips, pop, water, etc. and would also like to sell single serving beer and wine.

Assistant Attorney Lutterman reviewed that issues to be confirmed are: that the sales would be On Sale, which is authorized under their current license versus an Off Sale; that the sales cannot leave the licensed premises, which is the whole hotel and that the licensee has to directly serve the alcoholic beverage to the consumer, by uncapping it.

Mr. Goldfarb noted that their staff will be trained to open the beverage and give to the purchaser who is of legal age and a guest of the hotel. He further noted that a door bell will ring whenever someone goes into this area which is within line of sight from the front desk. He added that there will be cameras also.

Commission expressed a concern that someone is not physically in this area or that this cabinet is not locked up.

There being no further questions or discussion, Mr. Braaten moved that THE APPLICATION FOR A PERMANENT EXPANSION OF THE DESIGNATED SERVING AREA OF THE ON SALE INTOXICATING LIQUOR LICENSE BE APPROVED AND, THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Birchland seconded the motion and it carried 6-1 (Mrs. Bartholomew-Kolu).

**LAWFUL GAMBLING:**

CONFIDENCE LEARNING CENTER

Lawful Gambling Premise Permit

Adam Jaros appeared on behalf of the application. He stated he has been working with pull tabs since 1985. He is seeking a lawful gambling premise permit for use in the West end VFW. In response to Commission questions, he stated he would like to have pull tabs, raffles and bingo once they know for sure if it will be profitable there. The Commission noted that Mr. Jaros had not checked the box for bingo on his application. Mr. Jaros responded that it was his mistake and requested that the Commission amend the application to include bingo.

There being no further questions or discussion, Mr. Birchland moved that THAT THE 60 DAY WAIVER REQUEST FOR A LAWFUL GAMBLING PREMISE PERMIT FOR CONFIDENCE LEARNING CENTER BE APPROVED, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL. Mrs. Bartholomew-Kolu seconded the motion and it was unanimously approved.

ROTARY CLUB OF DULUTH HARBORTOWN MINNESOTA USA, INC.

Raffle Exemption - 60 Day Waiver

James Holton appeared on behalf of this application. He stated that they have held several raffles in the past and there would be no changes to this year's event. They would like to start selling raffle tickets on March 1, 2014 and the drawings would be held on March 23, 2014. There would be cash and prizes totaling \$7500 - \$8000. Mr. Holton added that this money would ultimately be funneled back into Duluth as that is the purpose of the Rotary Club.

There being no further questions or discussion, Mr. Rosenthal moved that THAT THE 60 DAY WAIVER REQUEST FOR A RAFFLE EXEMPTION FOR ROTARY CLUB OF DULUTH HARBORTOWN MINNESOTA USA, INC. BE APPROVED, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL. Mr. Stauber seconded the motion and it was unanimously approved.

LAKE SUPERIOR LAWMEN HOCKEY – FRATERNAL ORDER OF POLICE LODGE 9  
Raffle Exemption - 60 Day Waiver

No one appeared on behalf of this application; however, an e-mail was sent from Officer Vang to the Assistant City Clerk which was then forwarded to the Commission members on February 4, 2014. In response to Commission questions, Officer Vang replied that this was their 9th annual tournament. All of the prizes are donated by local businesses and raffled off. The proceeds then go to the Courage Center of Duluth, which decides how the money is used/distributed.

There being no further questions or discussion, Mr. Birchland moved that THAT THE 60 DAY WAIVER REQUEST FOR A RAFFLE EXEMPTION FOR LAKE SUPERIOR LAWMEN HOCKEY – FRATERNAL ORDER OF POLICE LODGE 9 BE APPROVED, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL Mr. Rosenthal seconded the motion and it was unanimously approved.