

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

November 4, 2015

The regular meeting of the Alcohol, Gambling & Tobacco Commission will be held on Wednesday, November 4, 2015, at 4:45 p.m., in the City Council Chamber, 3rd Floor, City Hall.

ROLL CALL: Dennis Birchland, Bjorn Braaten, Bryn Pollard, Jeff Rosenthal, Chris Pekkala, Adam Wisocki, President Stauber

***ANYONE WHO HAS BUSINESS BEFORE THIS
BOARD SHOULD MAKE PLANS TO ATTEND***

Approval of the October 7, 2015, Alcohol, Gambling and Tobacco Commission minutes.

COMMUNICATIONS:

CITY CLERK SUBMITTING COMMUNICATION REGARDING THE ISSUANCE OF OFF SALE INTOXICATING LIQUOR LICENSES. #15-02

NEW BUSINESS:

Lawful Gambling:

Piedmont Heights Hockey Assn

One Day Off site Gambling

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

October 7, 2015

The regular meeting of the Alcohol, Gambling & Tobacco Commission was held on Wednesday, October 7, 2015, at 4:45 p.m., in the City Council Chamber, 3rd Floor, City Hall.

ROLL CALL: Present: Dennis Birchland, Bjorn Braaten, Jeff Rosenthal,
Chris Pekkala, President Stauber - 5
Absent: Bryn Pollard, Adam Wisocki - 2

The minutes of the August 5 and September 2, 2015, Alcohol, Gambling and Tobacco Commission meetings were unanimously approved.

NEW BUSINESS:

NORTHERN WATERS SMOKEHAUS, INC (NORTHERN WATERS), 1608 WOODLAND AVENUE - APPLICATION FOR AN ON SALE WINE LICENSE AND ON SALE 3.2 PERCENT MALT LIQUOR LICENSE FOR THE PERIOD ENDING AUGUST 31, 2016, AND APRIL 30, 2016, RESPECTIVELY, WITH ERIC GOERDT, PRESIDENT AND 75% OWNER, AND LYNN GOERDT, 25% OWNER.

Erick Goerdts was present on behalf of the application. Mr. Goerdts reviewed that he has been operating a restaurant for 15 years in Canal Park and is looking to expand and open a new restaurant in the Mt. Royal Center. He continued saying that the restaurant will feature his smokehouse products and add beer and wine to the menu. To questioning from the commission, Mr. Goerdts replied that he has hired a bar manager with a lot of experience that will be able to adequately train the staff. Officer Vang stated that the police department conducts alcohol compliance checks and the training needs to include the employees asking for proper ID. To further questioning, Mr. Goerdts replied they plan on opening early January 2016. There being no further questions, Mr. Birchland moved that the application of NORTHERN WATERS SMOKEHAUS, INC (NORTHERN WATERS), 1608 WOODLAND AVENUE FOR AN ON SALE WINE LICENSE AND ON SALE 3.2 PERCENT MALT LIQUOR LICENSE FOR THE PERIOD ENDING AUGUST 31, 2016, AND APRIL 30, 2016, RESPECTIVELY, WITH ERIC GOERDT, PRESIDENT AND 75% OWNER, AND LYNN GOERDT, 25% OWNER, BE APPROVED, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Pekkala seconded the motion, and it was unanimously approved.

LARK O' THE LAKE, LLC (LARK O'THE LAKE CAFÉ), 231 E. SUPERIOR ST. – #100-101 - APPLICATION FOR AN ON SALE WINE LICENSE AND ON SALE 3.2 PERCENT MALT LIQUOR LICENSE FOR THE PERIOD ENDING AUGUST 31, 2016,

AND APRIL 30, 2016, RESPECTIVELY, WITH DON MONACO, 33.34% OWNER, MARK MARINO, 33.33% OWNER, AND SANDRA ETTESTAD, 33.33% OWNER.

Sandra Ettestad was present on behalf of the application. Ms. Ettestad explained they are opening a small ice cream/coffee café on the ground level of Greysolon Ballroom that will have seating for 40 people. She continued saying that they will serve breakfast to supper and would like to serve beer and wine as an accessory to the meal. Ms. Ettestad explained that their restaurant will be a family dining location that will have a year round venue for ice cream and then expand the menu with sandwiches. To questioning from the commission, Ms. Ettestad explained they have gone through the Serve Safe program and will be requiring all their staff to be trained through that program. She continued saying that they would like to be open by November 1st. There being no further discussion, Mr. Rosenthal moved that THE APPLICATION OF LARK O' THE LAKE, LLC (LARK O'THE LAKE CAFÉ), 231 E. SUPERIOR ST. – #100-101 FOR AN ON SALE WINE LICENSE AND ON SALE 3.2 PERCENT MALT LIQUOR LICENSE FOR THE PERIOD ENDING AUGUST 31, 2016, AND APRIL 30, 2016, RESPECTIVELY, WITH DON MONACO, 33.34% OWNER, MARK MARINO, 33.33% OWNER, AND SANDRA ETTESTAD, 33.33% OWNER, BE APPROVED, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Birchland seconded the motion, and it was unanimously approved.

CHURCHES UNITED IN MINISTRY, (CHUM INTERNATIONAL DINNER), 1111 N. 11TH AVE. E. – APPLICATION FOR A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE FOR OCTOBER 24, 2015, WITH MARY SCHMITZ, MANAGER.

Lee Stuart, director of CHUM, was present on behalf of the application. Ms. Stuart explained that this is their annual fundraiser and will be holding an international dinner with a wine tasting. She stated that they have changed to a bigger venue as they are planning on approximately 100-150 people attending the event on October 24th. Officer Vang stated he has approved this application. There being no further discussion, Mr. Birchland moved that THE APPLICATION OF CHURCHES UNITED IN MINISTRY, (CHUM INTERNATIONAL DINNER), 1111 N. 11TH AVE. E. FOR A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE FOR OCTOBER 24, 2015, WITH MARY SCHMITZ, MANAGER, BE APPROVED, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Pekkala seconded the motion, and it was unanimously approved.

There being no further business to bring before the commission, the meeting was declared adjourned at 5:00 p.m.

CITY OF DULUTH GUIDELINES AND PROCEDURES FOR THE ISSUANCE OF
CITY HELD OFF-SALE INTOXICATING LIQUOR LICENSES

A. LICENSE

An off-sale intoxicating liquor license allows the sale of intoxicating liquor in its original container for consumption off the licensed premises and is only issued to liquor stores. The City of Duluth (“City”) may issue up to 20 off-sale intoxicating liquor licenses.

B. PROCEDURE

1. The City will issue a Request for Proposals (“RFP”) to receive a City held off-sale intoxicating liquor license.

2. The responses to the RFP will be reviewed on the criteria set forth herein by a committee made up of one (1) representative from the Clerk’s Office, one (1) representative from the Police Department, and one (1) representative selected by the Chief Administrative Officer (“CAO”). The committee will rank the proposals using the criteria set forth below. The committee will report its ranking to the CAO.

3. The CAO will then ask the Alcohol Gaming and Tobacco Commission (“AGT”) to review the committee’s RFP ranking and make an advisory recommendation to the City Council.

4. The report and recommendation of the committee and AGT will be forwarded to the City Council. The City Council may select one or more successful proposals by resolution, which will then proceed to the formal licensing process. The number of off-sale intoxicating liquor licenses issued by the City will depend on the quality of the submitted proposals.

C. SELECTION CRITERIA

The selection of the individual or entity receiving the off-sale intoxicating liquor licenses will be based on the following criteria. The criteria are listed from highest to lowest priority and will be weighted as such in the review process.

1. **Economic Impact.** The economic impact of the proposed business on the City is the primary criteria. This includes a review of the number of jobs created and maintained and the level of investment in the business.

2. **Community Impact.** The proposed business should be providing a needed or advisable service at its location and should be appropriately sized (neither too large nor too small) to provide this service. Its location should be properly zoned for off-sale liquor business. Its design and decor should be compatible with existing uses in the neighborhood or business community where it is located. If it is in a historic district or design review district, it must meet all applicable design criteria. There should be adequate parking to meet customer needs and ingress and egress from parking areas should not cause unacceptable traffic congestion. The business should not cause neighborhood disturbances or an increased burden on the police or fire department.

3. **Owner Qualifications.** The owner/operator of the establishment must be qualified in all respects and have a solid management track record. The owner/operator of the establishment should be experienced in the liquor business or be willing to hire experienced staff for day-to-day management. Staff should be trained to handle problems with minors, intoxicated persons, proper closing hours, etc. The owner/operator should be able to pass a criminal background check and should be financially able to implement a business plan. Staffing levels should be sufficient to provide customers good service and to keep the establishment safe and secure.

4. **Added Value to the Community.** In addition to the creation and maintenance of jobs, other economic values to the community should be considered. Temporary construction jobs created, increases to the property tax base, increased sales tax revenues, and enhancement of existing tourist facilities should be considered.

5. **Transferability of License.** Consideration will be given to whether the applicant is willing to agree to a restriction on the license that restricts its transfer of location or ownership within the first five years of ownership.

LG230 Application to Conduct Off-Site Gambling

No Fee

ORGANIZATION INFORMATION

Organization Name: Piedmont Heights Hockey Assn License Number: 02912
Address: 2302 W23rd St City: Duluth, MN Zip: 55811
Gambling Manager Name: John Omundson Daytime Phone: 218 348-3276
Chief Executive Officer (CEO) Name: Daniel Doyle Daytime Phone: 218 310-3916

GAMBLING ACTIVITY

Twelve off-site events are allowed each calendar year not to exceed a total of 36 days.

From 02 / 06 / 16 to 02 / 06 / 16

Check the type of games that will be conducted:

- Raffle Pull-Tabs Bingo Tipboards Paddlewheel

GAMBLING PREMISES

Name of location where gambling activity will be conducted: Piedmont Heights Community Club
Street address and City (or township): 2302 W 23rd St Zip: 55811 County: St Louis
Do not use a post office box.
If no street address, write in road designations (example: 3 miles east of Hwy. 63 on County Road 42).

Does your organization own the gambling premises?

- Yes If yes, a lease is not required.
No If no, the lease agreement below must be completed, and signed by the lessor.

LEASE AGREEMENT FOR OFF-SITE ACTIVITY (a lease agreement is not required for raffles)

Rent to be paid for the leased area: \$0 (if none, write "0")

All obligations and agreements between the organization and the lessor are listed below or attached.

- Any attachments must be dated and signed by both the lessor and lessee.
This lease and any attachments is the total and only agreement between the lessor and the organization conducting lawful gambling activities.
Other terms, if any:

Blank lines for additional terms or conditions.

Lessor's Signature: Date:

Print Lessor's Name:

Acknowledgment by Local Unit of Government: Approval by Resolution

CITY APPROVAL for a gambling premises located within city limits	COUNTY APPROVAL for a gambling premises located in a township
City Name: <u>Duluth</u>	County Name: _____
Date Approved by City Council: _____	Date Approved by County Board: _____
Resolution Number: _____ (If none, attach meeting minutes.)	Resolution Number: _____ (If none, attach meeting minutes.)
Signature of City Personnel: <i>Masha A. Oswald</i>	Signature of County Personnel: _____
Title: <u>Asst City Clerk</u> Date Signed: <u>10/30/15</u>	Title: _____ Date Signed: _____
<p>Local unit of government must sign.</p>	<p>TOWNSHIP NAME: _____</p> <p>Complete below only if required by the county. On behalf of the township, I acknowledge that the organization is applying to conduct gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minnesota Statutes 349.213, Subd. 2.)</p> <p>Print Township Name: _____</p> <p>Signature of Township Officer: _____</p> <p>Title: _____ Date Signed: _____</p>

CHIEF EXECUTIVE OFFICER (CEO) ACKNOWLEDGMENT

The person signing this application must be your organization's CEO and have their name on file with the Gambling Control Board. If the CEO has changed and the current CEO has not filed a LG200B Organization Officers Affidavit with the Gambling Control Board, he or she must do so at this time.

I have read this application, and all information is true, accurate, and complete and, if applicable, agree to the lease terms as stated in this application.

D. D. _____ 10/29/15
 Signature of CEO (must be CEO's signature; designee may not sign) Date

Mail or fax to:

Gambling Control Board
 Suite 300 South
 1711 West County Road B
 Roseville, MN 55113
 Fax: 651-639-4032

No attachments required.

Questions? Contact a Licensing Specialist at 651-539-1900.

This publication will be made available in alternative format (i.e. large print, braille) upon request.

Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process your organization's application.

Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public.

If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public.

Private data about your organization are available to: Board members, Board staff whose work requires access to the information; Minnesota's Department of Public Safety; Attorney General; commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor; national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.