

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

May 7, 2014

The regular meeting of the Alcohol, Gambling & Tobacco Commission was held on Wednesday, May 7, 2014, at 4:45 p.m., in the City Council Chambers, 3rd Floor, City Hall.

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

**COMMUNICATIONS:**

CITY ATTORNEY SUBMITTING NOTICE OF HEARING AND POLICE REPORT TO DECIDE WHAT, IF ANY, DISCIPLINARY ACTION SHOULD BE TAKEN REGARDING THE ON SALE INTOXICATING LIQUOR LICENSE OF JOEL'S LLC, (MEXICO LINDO), 600 E. SUPERIOR ST. 14-01 – Received

CITY ATTORNEY SUBMITTING NOTICE OF HEARING AND POLICE REPORT TO DECIDE WHAT, IF ANY, DISCIPLINARY ACTION SHOULD BE TAKEN REGARDING THE ON SALE INTOXICATING LIQUOR LICENSE OF PLAYER'S GRANDSTAND, INC. (PLAYER'S SPORTS BAR), 4024 GRAND AVENUE. 14-02 – Received

CITY ATTORNEY SUBMITTING NOTICE OF HEARING AND POLICE REPORT TO DECIDE WHAT, IF ANY, DISCIPLINARY ACTION SHOULD BE TAKEN REGARDING THE ON SALE INTOXICATING LIQUOR LICENSE OF THE DUKE PARTNERS, LLC (SPURS ON 1ST), 109 W. 1ST STREET. 14-03 – Received

CITY ATTORNEY SUBMITTING NOTICE OF HEARING AND POLICE REPORT TO DECIDE WHAT, IF ANY, DISCIPLINARY ACTION SHOULD BE TAKEN REGARDING THE ON SALE INTOXICATING LIQUOR LICENSE OF HOSPITALITY ASSOCIATES OF DULUTH, LLC (ACES ON FIRST), 113 W 1ST STREET. 14-04 – Received

CITY ATTORNEY SUBMITTING NOTICE OF HEARING AND POLICE REPORT TO DECIDE WHAT, IF ANY, DISCIPLINARY ACTION SHOULD BE TAKEN REGARDING THE ON SALE 3.2 PERCENT NON INTOXICATING LIQUOR LICENSE OF TAPPA KEG INN, INC. (TAPPA KEG INN), 7036 GRAND AVENUE. 14-05 – Received

**UNFINISHED BUSINESS:**

**CHIPOTLE MEXICAN GRILL OF COLORADO, LLC. (CHIPOTLE MEXICAN GRILL #2210), 1600 MILLER TRUNK HIGHWAY** – APPLICATION FOR AN ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LIQUOR LICENSE, FOR THE PERIOD ENDING AUGUST 31, 2014.

Anna Robarg, General Manager, was present on behalf of the application. Ms. Robarg stated she is the General Manager for the Bar and Grill and they anticipate selling Beer and Margarita's. In response to questioning from the Commission, Ms. Robarg stated she has a bartending license in Wisconsin and would transfer that license to Minnesota. Attorney Lutterman stated that the Duluth City Code requires that that the Managing Agent be a resident of Minnesota, residing within 50 miles of the City Hall, Section 8-63(a) of the Duluth City Code.

Attorney Lutterman stated the Commission needs to know who will be Chipotle's managing agent that also resides within 50 miles of City Hall. Ms. Robarg stated she would be managing the store and she does reside within the City of Duluth. Ms. Robarg stated that all Managers would be attending a Bartender Licensing course and that during business hours there will always be a licensed manager present. Servers also will go through training and they make sure all patrons provide ID, ages 45 and under. Ms. Robarg stated they additionally need to go through training for Chipotle liquor handling policies. Ms. Robarge stated their Grand Opening is scheduled for June 25<sup>th</sup>. Ms. Robarg stated that most Chipotle restaurants have full liquor licenses depending on the City they are in and their respective Codes and Regulations. In response to questioning from the Commission, Ms. Robarg stated there will be a fence around the outdoor patio, and that she met with Officer Vang to show him the patio area. She stated that Chipotle will also have a cashier out on the patio at least once every 10 minutes. She stated the patio would be closed during the winter. Officer Vang stated he has no issues with the Application. There being no further discussion, Ms. Bartholowew-Kolu moved that THE APPLICATION OF CHIPOTLE MEXICAN GRILL OF COLORADO, LLC. (CHIPOTLE MEXICAN GRILL #2210), 1600 MILLER TRUNK HIGHWAY FOR AN ON SALE INTOXICATING LIQUOR LICENSE AND ON SALE SUNDAY LICENSE, FOR THE PERIOD ENDING AUGUST 31, 2014, BE APPROVED, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Birchland seconded the motion, and it was unanimously approved.

#### **NEW BUSINESS:**

**COLLEGE OF ST SCHOLASTICA, (JOHN BAGGS MEMORIAL SCHOLARSHIP GOLF TOURNAMENT), 1200 KENWOOD AVENUE** - APPLICATION FOR A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE FOR JUNE 14, 2014 WITH KEN KOLQUIST, MANAGER.

Kenny Kolquist was present on behalf of the application. Mr. Kolquist explained that they will be holding a golf tournament and raffle as a fundraiser for a scholarship fund in memory of the baseball coach at St. Scholastica . He continued saying that after the golfing event, there will be a dinner and silent auction in the Reif Center at CSS open to the public and the players starting approximately at 5:00 p.m. and ending approximately 8:00 p.m. To questioning from the commission, Mr. Kolquist replied that they have an off duty police volunteer to work the event that would include checking ID's. He continued saying that they will be using wrist bands to identify underage guests. There being no further discussion, Mr. Birchland moved that THE APPLICATION OF COLLEGE OF ST. SCHOLASTICA, 1200 KENWOOD AVE, FOR A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE FOR JUNE 14, 2014, WITH KEN KOLQUIST, MANAGER, BE APPROVED, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Stauber seconded the motion, and it was unanimously approved.

**PDL OF DULUTH, INC. (CLUB SARATOGA), 331 CANAL PARK DRIVE** - APPLICATION FOR TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE FOR JUNE 21, 2014.

Philip Fish was present on behalf of the application. Mr. Fish explained that he would like to sell beer out of a tub on the sidewalk in front of his bar during Grandma's Marathon. He continued saying that he would be selling beer in plastic bottles and would be selling from 10:00 a.m. to approximately 3:00p.m. when the special events license was over and the streets were reopened. To questioning from the commission, Officer Vang stated he has approved this application. The clerk reviewed that the special events licenses closes the

streets and the drinking in public resolution allows the bar to sell beer on the sidewalk. There being no further discussion, Mr. Birchland moved that THE APPLICATION OF PDL OF DULUTH, INC. (CLUB SARATOGA), 331 CANAL PARK DRIVE FOR TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE FOR JUNE 21, 2014, BE APPROVED, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Rosenthal seconded the motion, and it was unanimously approved.

**GRANDMA'S RESTAURANT CO., (LITTLE ANGIE'S CANTINA), 11 EAST BUCHANAN STREET** - APPLICATION FOR TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE FOR JUNE 21, 2014, WITH SANDY KOLASINSKI, MANAGER.

Sandy Kolasinki was present on behalf of the application. Ms. Kolasinki stated that for the marathon besides serving food and alcohol on their deck, they would like to be able to set up a bar and table and chairs on the sidewalk in front of the deck where they put up a fajita stand and serve beer. She went on to explain that they are further requesting to keep the table and chairs out on the sidewalk after the street opens up in order to keep serving food and alcohol on the bricks and will put up fencing to contain the area as was done last year. The clerk explained that the special events license that Grandma's Marathon receives closes the streets until about 3 in the afternoon and allows the use of the sidewalks by Little Angie's for tables and chairs. The clerk further explained that there will be a second special events license closing that area of the sidewalk that will allow the licensee to enclose that area of the sidewalk. Ms. Kolasinki explained that because they are required to allow people to walk through the deck area without having to eat and drink, by having the area on the sidewalk it helps keep the access onto the deck and into the restaurant much easier. To questioning by the commission, Ms. Kolasinki replied that they would like to serve in both areas until 2:00 a.m. To questioning from the commission, Officer Vang replied the security arrangements have been approved and the application has also been approved. There being no further discussion, Mr. Birchland moved that THE APPLICATION OF GRANDMA'S ANGIE'S, INC. (LITTLE ANGIE'S CANTINA), 11 EAST BUCHANAN STREET, FOR TEMPORARY EXPANSION OF THEIR ON SALE INTOXICATING LIQUOR LICENSE FOR JUNE 21, 2014, BE APPROVED AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Stauber seconded the motion and it was approved upon the following vote:

Yeas- Birchland, Braaten, Stauber, Pekkala- 4

Nays- 0

Abstain - Rosenthal

**LAKE EFFECT RESTAURANT, INC. (LAKE AVENUE CAFÉ), 394 LAKE AVENUE SOUTH** - APPLICATION FOR TEMPORARY EXPANSION OF THE LICENSED PREMISES OF THEIR ON SALE INTOXICATING LIQUOR LICENSE FOR JUNE 20 & 21, 2014.

Derek Snyder was present on behalf of the application. Mr. Snyder explained that on the Friday and Saturday night of Grandma's Marathon, they would be setting up a large tent in their parking lot behind the DeWitt Seitz Building. He explained that they will have several bands playing each night in the tent and will be using wrist bands to identify those over 21. To questioning from the commission, Mr. Snyder replied that he has talked to the police department and has arranged for security to work at the event checking ID's. He also stated that they will be closing down at the same time as the marathon tent which is 1:15

a.m. Officer Vang has approved this application. There being no further discussion, Mr. Pekkala moved that THE APPLICATION OF THE LAKE EFFECT RESTAURANT, INC. (LAKE AVENUE CAFE), 394 LAKE AVENUE SOUTH FOR TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE AND TEMPORARY ON SALE DANCE LICENSE FOR JUNE 20 & 21, 2014, BE APPROVED, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Birchland seconded the motion, and it was unanimously approved.

**ALPINE BAR & LOUNGE, INC., (ALPINE BAR & LOUNGE), 1308 COMMONWEALTH AVENUE** - APPLICATION FOR TEMPORARY EXPANSION OF THE LICENSED PREMISES OF THEIR ON SALE INTOXICATING LIQUOR LICENSE FOR JUNE 27-29, 2014.

Kim Eskola was present on behalf of the application. Mr. Eskola explained that this application is in conjunction with the Far West Celebration on Commonwealth Avenue the weekend of June 27th. He continued saying that these applications would allow him to sell alcohol out on parking lot and on the street during the event. The clerk reviewed that the event organizers are applying for a special events license which will close down the streets during the weekend. To questioning from the commission, Officer Vang that security arrangements are being worked on and has approved this application. There being no further discussion, Mr. Pekkala moved THAT THE APPLICATION OF ALPINE BAR & LOUNGE, INC., (ALPINE BAR & LOUNGE), 1308 COMMONWEALTH AVENUE FOR TEMPORARY EXPANSION OF LICENSED PREMISES OF THEIR ON SALE INTOXICATING LIQUOR LICENSE FOR JUNE 27- 29, 2014, BE APPROVED, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Birchland seconded the motion, and it was unanimously approved.

**T & J ENTERPRISE, LLC (THE BANK ON SUPERIOR), 3 WEST SUPERIOR ST** - APPLICATION FOR AN ON SALE WINE LICENSE AND AN ON SALE 3.2 PERCENT NON INTOXICATING MALT LIQUOR LICENSE FOR THE PERIOD ENDING AUGUST 31, 2014, AND APRIL 30, 2015, RESPECTIVELY, WITH JOEL GRAFF, 50% OWNER AND TOM HALLER, 50% OWNER.

Joel Graff and Tom Haller were present on behalf of the application. Mr. Graff stated he has managed several restaurants and bars over the years. Mr. Haller stated he has no prior bar management experience but has had 19 years in the service industry, dealing on the back end. He would be attending necessary liquor training prior to opening. Mr. Graff stated the location was formerly a yoga studio and was the Wine Exchange prior to that. The business will be a slightly-upscale bistro setting, that the building was originally a bank dating to 1883, and they anticipate tying in the historical theme with the look and feel of a bank. Mr. Graff stated they would be open 11 a.m. to 11 p.m., and they hope to be open by June 1, 2014. Attorney Lutterman stated that the applicant has not identified a local managing agent who is a Minnesota resident and resides within 50 miles of City Hall, which is a requirement for issuance of a liquor license under the Duluth City Code. Mr. Haller stated he is a Duluth resident. Attorney Lutterman stated Mr. Haller would need a background check. Officer Vang stated that the application was not complete because Mr. Graff's name and date of birth were omitted, so he could not complete the background check. Mr. Vang stated he has also not yet received a map of the premises. Mr. Haller stated there is no outside serving area. There being no further discussion, Mr. Birchland moved that THE APPLICATION FOR T&J ENTERPRISE, LLC (THE

BANK ON SUPERIOR), 3 WEST SUPERIOR ST., FOR AN ON SALE WINE LICENSE AND AN ON SALE 3.2 PERCENT NON INTOXICATING MALT LIQUOR LICENSE FOR THE PERIOD ENDING AUGUST 31, 2014, AND APRIL 30, 2015, RESPECTIVELY, WITH JOEL GRAFF, 50% OWNER AND TOM HALLER, 50% OWNER, BE APPROVED, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL.

**HEARING TO DECIDE WHAT, IF ANY, DISCIPLINARY ACTION SHOULD BE TAKEN REGARDING THE ON SALE LIQUOR LICENSE OF JOEL'S LLC, (MEXICO LINDO), 600 E. SUPERIOR ST. (See Attached Transcript)**

**HEARING TO DECIDE WHAT, IF ANY, DISCIPLINARY ACTION SHOULD BE TAKEN REGARDING THE ON SALE LIQUOR LICENSE OF PLAYER'S GRANDSTAND, INC. (PLAYER'S SPORTS BAR), 4024 GRAND AVENUE. (See Attached Transcript)**

**HEARING TO DECIDE WHAT, IF ANY, DISCIPLINARY ACTION SHOULD BE TAKEN REGARDING THE ON SALE LIQUOR LICENSE OF THE DUKE PARTNERS, LLC (SPURS ON 1ST), 109 W. 1ST STREET.**

Attorney Lehr explained that she has gotten a request from Mr. Patronas to delay the hearings as he has an on-going medical issue that needs to be resolved. Ms. Lehr stated that the hearing will be reschedule for the July board meeting.

**HEARING TO DECIDE WHAT, IF ANY, DISCIPLINARY ACTION SHOULD BE TAKEN REGARDING THE ON SALE LIQUOR LICENSE OF HOSPITALITY ASSOCIATES OF DULUTH, LLC (ACES ON FIRST), 113 W 1ST STREET.**

Attorney Lehr explained that she has gotten a request from Mr. Patronas to delay the hearings as he has an on-going medical issue that needs to be resolved. Ms. Lehr stated that the hearing will be reschedule for the July board meeting.

**HEARING TO DECIDE WHAT, IF ANY, DISCIPLINARY ACTION SHOULD BE TAKEN REGARDING THE ON SALE LIQUOR LICENSE OF TAPPA KEG INN, INC. (TAPPA KEG INN), 7036 GRAND AVENUE. (See Attached Transcript)**

**LAWFUL GAMBLING:**

Irving Community Assoc.      One day off site gambling

Jenny Hinnenkamp was present on behalf of the application. Ms. Hinnenkamp stated that the Association would be doing Bingo outside of the Rustic Inn and Mr. D's during Sprit Valley Days. Ms. Hinnenkamp stated they may also have a raffle and pull-tabs depending on how many people are there and if it is requested. In response to questioning from the Commission, Ms. Hinnenkamp stated this is the first time for this activity and there was a desire by the event organizers to have an additional activity for adults. Mr. Rosenthal moved THAT THE 60 DAY WAIVER REQUEST OF ARROWHEAD BUILDERS ASSOCIATION BE APPROVED, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Ms. Bartholomew-Kovu seconded the motion, and it was passed unanimously.