

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

March 5, 2014

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

ROLL CALL: Present: Lindsay Bartholomew-Kolu, Bjorn Braaten, Bryn Pollard, Jeff Rosenthal and Ryan Stauber

Absent: Dennis Birchland and President Chris Pekkala

COMMUNICATIONS:

March Report to the Alcohol, Gambling and Tobacco Commission Members, submitted by Alison Lutterman.

Alison Lutterman requested that the AGT Commission consider the listed licensee violations and determine whether to conduct disciplinary hearings. She suggested they hold future disciplinary hearings for licensees who are consistently late with filing and making tax payments. The determination needs to be made as to whether these licensees are legally able to operate when not in compliance with tax requirements. She stated that a lot of city staff time is currently spent sending letters and notices to the licensees, with no timely action or response on the part of the licensees. She further stated that even accessing late fees was not deterring their inaction. She opined that, based on the AGT Commission's response, these types of repeated violations could impact the decision on whether to renew a licensee's license. She also requested they hear cases involving high volumes of police response calls.

In response to a question from the Commission regarding upcoming underage hearings, Officer Vang mentioned the Twins Bar had a recent violation. He also stated that the Duluth Police Department was concerned about the Twins Bar, based on the frequency and seriousness of the police calls they have been receiving. The question was raised for the future hearing as to whether or not a business can continue to operate as a public nuisance. Officer Vang stated he would provide a list of police reports to the AGT Commission for their use in future hearings.

The Commission, as a whole, agreed that they should definitely do something to review/resolve the problems.

The Commission asked if these hearing would be held in conjunction with the normally scheduled monthly Commission meetings. Alison Lutterman stated they would likely be held beginning at the May AGT Commission meeting, because the City had to give the licensees a 30-day notice of the hearing.

The Commission asked Alison Lutterman what the current late fees were. She responded that she would provide the current rates. Further, the Commission asked about other options available such as suspension, revocation and/or non-renewal of licenses. Alison Lutterman commented that those could be decisions made by the AGT Commission and the City Council.

The Commission unanimously agreed to hear future cases involving licensees with late filings/tax payments and excessive police response calls.

NEW BUSINESS:

AAD TEMPLE BUILDING ASSOCIATION (HAUNTED HANGAR ON THE HILL), 4701 GRINDEN DRIVE – APPLICATION FOR A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE FOR OCTOBER 25, 2014.

This application was pulled from the Agenda the day prior to the March meeting upon the request of Ryan Kern. He stated they were still working on the logistics and that it would meet the AGT Commission at a later date. Since the event is not scheduled until October, there is not an immediate rush.

AAD TEMPLE BUILDING ASSOCIATION (KIA OF DULUTH DRAG RACES AND CAR SHOW), 435 GARFIELD AVENUE – APPLICATION FOR A TEMPORARY ON SALE 3.2 PERCENT MALT LIQUOR LICENSE FOR SEPTEMBER 6 - 7, 2014.

Devin Graff appeared on behalf of this application. This is an annual event with no changes from last year. Officer Vang had no concerns or objections to the event. There being no further questions or discussion, Mr. Rosenthal moved that THE APPLICATION FOR A TEMPORARY ON SALE 3.2 PERCENT MALT LIQUOR LICENSE FOR SEPTEMBER 6 - 7, 2014, BE APPROVED AND, THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mrs. Bartholomew-Kolu seconded the motion and it was unanimously approved.

AAD TEMPLE BUILDING ASSOCIATION (DULUTH BALLOON FESTIVAL), 700 RAILROAD STREET – APPLICATION FOR A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE FOR SEPTEMBER 19 - 21, 2014.

Devin Graff appeared on behalf of this application. This is an annual event with no changes from last year. Officer Vang had no concerns or objections to the event. There being no further questions or discussion, Mr. Rosenthal moved that THE APPLICATION FOR A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE FOR SEPTEMBER 19 - 21, 2014, BE APPROVED AND, THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mrs. Bartholomew-Kolu seconded the motion and it was unanimously approved.

GRANDMA'S MARATHON-DULUTH, INC. (GRANDMA'S MARATHON), CANAL PARK PARKING LOT SURROUNDED BY CANAL PARK DRIVE, BUCHANAN STREET, MORSE STREET AND LAKE AVENUE – APPLICATION FOR A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE FOR JUNE 20 - 22, 2014.

John Carlson and Linda Hanson appeared in support of this application. This is an annual event. The Commission asked if there were any changes from last year. Linda Hanson responded that they would like to be able to serve beer and have entertainment from 7:00 p.m. until 1:15 a.m., instead of ending serving and entertaining at 1:00 a.m., as they had last year. In response to questions from the Commission, she stated the additional 15 minutes was a result of the entertainment contract. The Commission asked Officer Vang if he had any questions or concerns, to which he responded, "No." There being no further discussion, Mr. Braaten moved that THE APPLICATION FOR A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE FOR JUNE 20 - 22, 2014 BE APPROVED AND, THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Pollard seconded the motion and it was unanimously approved.

GRANDMA'S MARATHON-DULUTH, INC. (GRANDMA'S MARATHON), CANAL PARK LOT SURROUNDED BY CANAL PARK DRIVE, BUCHANAN STREET, MORSE STREET AND LAKE AVENUE – APPLICATION FOR A TEMPORARY ON SALE DANCING LICENSE FOR JUNE 21 - 22, 2014.

John Carlson and Linda Hanson appeared in support of this application. There are no changes from last year. There being no further discussion, Mrs. Bartholomew-Kolu moved that THE APPLICATION FOR A TEMPORARY ON SALE DANCING LICENSE FOR JUNE 21 - 22, 2014 BE APPROVED AND, THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Braaten seconded the motion and it was unanimously approved.

Although the AGT Commission voted on this issue, it was noted after the meeting that dancing licenses are issued by the City Clerk's office and there is no requirement for them to go before the AGT Commission or City Council.

BONG P-38 FUND (DULUTH AIRSHOW), 4701 GRINDEN DRIVE – APPLICATION FOR A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE FOR AUGUST 23 - 24, 2014.

Devin Graff appeared on behalf of this application. This is an annual event with no changes from last year. Officer Vang asked if they had hired a Police Officer to check IDs, but the representative was not sure. There being no further questions or discussion, Mr. Rosenthal moved that THE APPLICATION FOR A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE FOR AUGUST 23 - 24, 2014, BE APPROVED AND, THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mrs. Bartholomew-Kolu seconded the motion and it was unanimously approved.

LAWFUL GAMBLING:

ST. JOHN THE EVANGELIST CHURCH

Raffle Exemption - 60 Day Waiver

Angela Dade appeared on behalf of this application. This is an annual raffle...this year will be their 27th year having it. In response to questions from the Commission, they have never had any problems in the past and intend to follow the same procedures they have had. There being no further questions or discussion, Mr. Pollard moved that THAT THE 60 DAY WAIVER REQUEST FOR A RAFFLE EXEMPTION FOR ST. JOHN THE EVANGELIST CHURCH BE APPROVED, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL. Mrs. Bartholomew-Kolu seconded the motion and it was unanimously approved.

HOLY FAMILY CATHOLIC CHURCH

Raffle Exemption - 60 Day Waiver

Suzie Michalski appeared on behalf of this application. This is an annual raffle and they have had it for the past two years. They intend to use the proceeds for repairs to the church. In response to questions from the Commission, Suzie stated the prizes will include cash and ham. There being no further questions or discussion, Mr. Braaten moved that THAT THE 60 DAY WAIVER REQUEST FOR A RAFFLE EXEMPTION FOR HOLY FAMILY CATHOLIC CHURCH BE APPROVED, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL. Mr. Rosenthal seconded the motion and it was unanimously approved.