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NEW BUSINESS:

MARSHALL SCHOOL, 1215 RICE LAKE ROAD - APPLICATION FOR A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE FOR MAY 4, 2013, WITH BETH TESSIER, MANAGER.

Ashli Bowen was present on behalf of the application. She noted that this is their 26th annual auction that is by invitation only to individuals over 21 years of age. To further questioning, she stated that there will be student workers with adult supervision serving food, but the drinks will only be served from a service bar to the guests. To questioning from the commission, Ms. Bowen replied that they have hired an off duty police officer to work at the event. There being no further discussion, Mr. Birchland moved that THE APPLICATION OF MARSHALL SCHOOL, 1215 RICE LAKE ROAD, FOR A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE FOR MAY 4, 2013, WITH BETH TESSIER, MANAGER, BE APPROVED, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Rosenthal seconded the motion, and it was unanimously approved.

FLAME NIGHTCLUB, INC. (FLAME NIGHTCLUB), 28 N 1ST AVENUE WEST, - APPLICATION FOR A PERMANENT EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE FOR THE PERIOD ENDING AUGUST 31, 2013.

Vince Nelson was present on behalf of the application. He explained that he currently operates a bar on the second floor of the building that is about 1500 square feet, but because of the congestion and safety concerns that are being caused by the people going up and down the stairwell, they have been bringing people into the first floor. Mr. Nelson went on to say that he would like to use the first floor as a lounge with a sit down bar for his patrons and would also include pool tables. Mr. Nelson explained that the lounge area will be used for those who don't want to go up to the second floor or as a waiting area for those who want to get up to the second floor but can't because of the occupancy limit. To questioning by the commission, Officer Vang stated that opening

this first floor is a good idea as it will help eliminate the congestion that have been caused by the lines outside on the sidewalk waiting to get into the bar. Officer Vang also suggested that the owners create a list of people not allowed in the bar to prevent disturbances and problems from happening. To Officer Vang's questioning, Mr. Nelson replied that they currently hire five security personnel on the weekends, and that they will be hiring an additional security person for the first floor expansion. The clerk stated if the lounge will include a sit down bar, the code requires an additional license for that second bar. There being no further discussion, Mr. Birchland moved THAT THE APPLICATION OF FLAME NIGHTCLUB, INC. (FLAME NIGHTCLUB), 28 N 1ST AVENUE WEST, FOR A PERMANENT EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE FOR THE PERIOD ENDING AUGUST 31, 2013, AND APPLICATION FOR AN ADDITIONAL BAR LICENSE BE APPROVED, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Braaten 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 22, 2013, WITH SANDY KOLASINSKI, MANAGER.

Sandy Kolasinski was present on behalf of the application. Ms. Kolasinski 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. Kolasinski 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. Kolasinski 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 22, 2013, 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

GRANDMA'S RESTAURANT CO., (LITTLE ANGIE'S CANTINA), 11 EAST BUCHANAN STREET - APPLICATION FOR TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE FOR JULY 25-28, 2013, SANDY KOLASINSKI, MANAGER

Sandy Kolasinski was present on behalf of the application. Ms. Kolasinski explained that Duluth will be hosting Tall Ships again this summer and they would like to be able to extend their outside serving during the event. She explained that they would like to serve food and alcohol down on the sidewalk like they do for the marathon but they will not have a bar on the sidewalk. To questioning from the commission, Officer Vang replied that security arrangement have not been finalized but they will be in time for the event. To further questioning, Ms. Kolasinski replied that they would like to serve in their expanded area until 2:00 p.m. 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 JULY 25-28, 2013, 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

BROAD EAVES, LLC, 2818 PIEDMONT AVENUE, SUITE C - APPLICATION FOR TRANSFER OF THE OFF SALE INTOXICATING LIQUOR LICENSE FOR THE PERIOD ENDING AUGUST 31, 2013, WITH SCOTT KUITI, OWNER, TRANSFERRED FROM GOLDEN EAGLE LIQUORS, LLC, (SPORTSMEN'S LIQUOR), 3904 GRAND AVENUE.

Steve Kuiti was present on behalf of the application. Mr. Kuiti explained that he has a signed purchase agreement with the owner of Sportsmen's Liquor for the off sale liquor license and the agreement is contingent on city council approval of the transfer. To questioning from the commission, Mr. Kuiti replied that he is moving the liquor license to the Piedmont Plaza and plans on opening his store early 2014. He further explained that the current liquor store will be moving from the plaza when their lease is up at the end of the year. The clerk stated that Mr. Kuiti is aware that he has to renew this liquor license this summer, and when the new license year starts September 1, 2013, the code requires that he has to make a sale on this license before August 31, 2014, or else the license reverts back to the City. To further questioning, Mr. Kuiti replied that he has worked in the Kenwood grocery store and liquor store, so he has had experience in business and the selling of alcohol. There being no further discussion, Mr. Stauber moved that THE APPLICATION OF BROAD EAVES, LLC, 2818 PIEDMONT AVENUE, SUITE C FOR TRANSFER OF THE OFF SALE INTOXICATING LIQUOR LICENSE FOR THE PERIOD ENDING AUGUST 31, 2013, WITH SCOTT KUITI, OWNER, TRANSFERRED FROM GOLDEN EAGLE LIQUORS, LLC, (SPORTSMEN'S LIQUOR),

3904 GRAND AVENUE, BE APPROVED, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Rosenthal seconded the motion, and it was unanimously approved.

STEWART ZAUN, INC. (AMAZING GRACE BAKERY), 394 LAKE AVENUE SOUTH - APPLICATION FOR AN ON SALE WINE LICENSE AND ON SALE 3.2 PERCENT MALT LIQUOR LICENSE FOR THE PERIOD ENDING AUGUST 31, 2013, AND APRIL 30, 2014, RESPECTIVELY, WITH MARCIE STOYKE, 100% OWNER.

Marcie Stoyke was present on behalf of the application. Ms. Stoyke explained that she would like to enhance her venue with beer and wine both in the restaurant and the outside seating area on the sidewalk. Attorney Lutterman questioned if Ms. Stoyke was aware of the requirements that are part of the sidewalk permit she has gotten through the zoning code. Ms. Stoyke replied she has talked with Office Vang, and he has suggested that signage be put up on the fencing stating no alcoholic beverages beyond this point and have wait staff in that area at all times. Ms. Lutterman reviewed with the commission that the sidewalk permit has requirements that need to be followed to allow liquor service on the sidewalk such as fencing around the perimeter, staff out in the area at all times, and food service has to be available along with the alcohol. Ms. Stoyke stated that she is putting her staff through certified liquor training and is planning on having a server outside in the area until they close at 10:00 at night. There being no further discussion, Mr. Birchland moved THAT THE APPLICATION OF STEWART ZAUN, INC. (AMAZING GRACE BAKERY), 394 LAKE AVENUE SOUTH, FOR AN ON SALE WINE LICENSE AND ON SALE 3.2 PERCENT MALT LIQUOR LICENSE FOR THE PERIOD ENDING AUGUST 31, 2013, AND APRIL 30, 2014, RESPECTIVELY, WITH MARCIE STOYKE, 100% OWNER, BE APPROVED, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Rosenthal seconded the motion, and it was unanimously approved.

DULUTH PLAYHOUSE, INC. (THE UNDERGROUND), 506 WEST MICHIGAN STREET - APPLICATION FOR AN ON SALE INTOXICATING LIQUOR LICENSE (OLD) FOR THE PERIOD ENDING AUGUST 31, 2013, WITH CHRISTINE SEITZ, EXECUTIVE DIRECTOR.

Tessa Lenneman was present on behalf of the application. Ms. Lenneman reviewed that they had previously applied for a theater license for this location in the Depot. She continued saying that they have been getting requests from other organizations to use this area for receptions and they have had to turn those requests down as their license was only for theatrical events. Attorney Lutterman stated that although the Playhouse will allow other organizations to use that space and have liquor available, the bartenders serving the alcohol must be employees of the Playhouse. Ms. Lenneman stated they area aware of the requirement and won't be a problem for them. There being no further discussion, Mr. Stauber moved that THE APPLICATION OF DULUTH PLAYHOUSE, INC. (THE UNDERGROUND), 506 WEST MICHIGAN STREET FOR

AN ON SALE INTOXICATING LIQUOR LICENSE (OLD) FOR THE PERIOD ENDING AUGUST 31, 2013, WITH CHRISTINE SEITZ, EXECUTIVE DIRECTOR, BE APPROVED, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Rosenthal seconded the motion and it was unanimously approved.

RENEWAL APPLICATION FOR THE CONSUMPTION AND DISPLAY LICENSE OF THE ORDER OF THE OWLS, NEST 1200 AND THE DULUTH WOMAN'S CLUB FOR THE PERIOD BEGINNING APRIL 1, 2013, AND ENDING APRIL 30, 2014.

RENEWAL APPLICATION FOR THE CONSUMPTION AND DISPLAY LICENSE OF THE ORDER OF THE OWLS, NEST 1200 AND THE DULUTH WOMAN'S CLUB FOR THE PERIOD BEGINNING APRIL 1, 2013, AND ENDING APRIL 30, 2014.

RENEWAL APPLICATION FOR THE CONSUMPTION AND DISPLAY LICENSE OF THE ORDER OF THE OWLS, NEST 1200 AND THE DULUTH WOMAN'S CLUB FOR THE PERIOD BEGINNING APRIL 1, 2013, AND ENDING APRIL 30, 2014.

The clerk reviewed that these are all renewal license applications and all have been approved by the police, fire and health departments. The clerk stated that any licensee that has delinquent sales and property taxes would have to have them paid in full by April 30 in order for them to continue selling alcohol on May 1. There being no further discussion, Mr. Braaten moved that THE RENEWAL APPLICATIONS FOR ON SALE 3.2% MALT LIQUOR LICENSE RENEWALS BE APPROVED, SUBJECT TO ALL SALES AND PROPERTY TAXES PAID IN FULL BY ALL LICENSEES BY APRIL 30, 2013, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Rosenthal seconded the motion and it was unanimously approved.

There being no further business to bring before the commission, the meeting was declared adjourned at 5:30 p.m.