

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

June 4, 2014

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

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

Absent: Bryn Pollard, Bjorn Braaten

**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 WESSMAN ESTATE, LLC (TWIN'S BAR), 501 EAST FOURTH STREET. #14-06 - Recieved

CITY ATTORNEY SUBMITTING CORRESPONDENCE RELATED TO HEARING TO DECIDE WHAT, IF ANY, DISCIPLINARY ACTION SHOULD BE TAKEN REGARDING THE ON SALE INTOXICATING LIQUOR LICENSE OF WESSMAN ESTATE, LLC (TWIN'S BAR), 501 EAST FOURTH STREET. #14-07 - Received

**NEW BUSINESS:**

The City Clerk notified the Commission of the late addition to the agenda of an application of Temporary Expansion for Shotz Bar Inc. The Clerk stated that the Licensee requested clarification regarding legal aspects of the application prior to the agenda deadline and that that clarification was provided following the deadline, consideration of the application at this meeting is therefore requested.

Attorney Lutterman stated that a Suspension of the Rules would be required to consider the application and a Motion to Consider the Matter is required with approval of at least 4 members of the Commission.

Mr. Birchland moved TO SUSPEND THE RULES TO CONSIDER APPLICATION FOR TEMPORARY EXPANSION OF THE LICENSED PREMISES OF THEIR ON SALE INTOXICATING LIQUOR LICENSE FOR JUNE 28, 2014 FOR SHOTZ BAR, INC. Mr. Rosenthal seconded the motion, and it was unanimously approved.

**CHASERS OF DULUTH, INC. (BEDROCK BAR), 2023 W. SUPERIOR ST - APPLICATION FOR TEMPORARY EXPANSION OF THE LICENSED PREMISES OF THEIR ON SALE INTOXICATING LIQUOR LICENSE FOR JUNE 21, 2014.**

Tammy Benson was present on behalf of the application representing the Lincoln Park Business Group. Ms. Benson stated that the expansion was for the group's annual fishing contest. Ms. Benson stated the event has gone on for 14 years and benefits the Boys & Girls Club of Lincoln Park; she stated that last year's event had approximately 412 participants and it takes place on the St. Louis River. In response to questioning from the commission, Ms. Benson stated there had been no problems in year's past. To questioning from the Commission, Officer Vang stated he had reviewed and approved the application. There being no further discussion, Mr. Rosenthal moved that THE APPLICATION FOR CHASERS OF DULUTH, INC. (BEDROCK BAR), 2023 W. SUPERIOR ST. FOR TEMPORARY EXPANSION OF THE LICENSED PREMISES OF THE ON SALE INTOXICATING LIQUOR LICENSE FOR JUNE 21, 2014, BE APPROVED, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Ms. Bartholomew-Kolu seconded the motion, and it was unanimously approved.

**LEMON REEF, INC. (REEF BAR), 2002 LONDON ROAD - APPLICATION FOR TEMPORARY EXPANSION OF THE LICENSED PREMISES OF THEIR ON SALE INTOXICATING LIQUOR LICENSE FOR JUNE 21, 2014.**

Dan Landgren was present on behalf of the application. He explained this was his 17<sup>th</sup> year making application for this expansion and that it is for a fenced off area in the parking lot outside of the Reef Bar and that there will be an off-duty police officer present. He stated they will start serving at 8:00 a.m. and will be done no later than 2:00 p.m. and will then move patrons inside. In response to questioning from the Commission, Mr. Landgren stated there are no changes from prior year events. There being no further discussion, Mr. Birchland moved THAT THE APPLICATION FOR LEMON REEF, INC. (REEF BAR), 2002 LONDON ROAD FOR TEMPORARY EXPANSION OF THE LICENSED PREMISES 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 unanimously approved.

**SHOTZ BAR INC. (SHOTZ BAR), 1321 COMMONWEALTH AVENUE - APPLICATION FOR TEMPORARY EXPANSION OF THE LICENSED PREMISES OF THEIR ON SALE INTOXICATING LIQUOR LICENSE FOR JUNE 28, 2014.**

Kathleen Rose was present on behalf of the application. Officer Vang stated the application was in conjunction with the Far West Festival. Ms. Rose stated the application was only for Saturday, June 28<sup>th</sup>. The City Clerk stated that a special events permit would be applied for by the business association for the event and the street would be closed for the event. In response to questioning from the Commission, Ms.

Rose stated there would not be an outside bar. She also stated she had not received any information and did not know that the application was late. Officer Vang stated that any patron who desires to bring alcohol outside of the bar, that it would need to be in a plastic container. Ms. Rose acknowledged the requirement and stated that is why she made this application. In response to questioning from the Commission, Ms. Rose stated Shotz Bar had not done this event before. To questioning from the Commission, Officer Vang stated he had approved the application. Attorney Lutterman recommended that the Commission condition granting the expansion upon the Applicant only allowing patrons with alcohol in plastic cups to leave the premises. There being no further discussion, Mr. Stauber moved THAT THE APPLICATION FOR SHOTZ BAR INC. (SHOTZ BAR), 1321 COMMONWEALTH AVENUE FOR TEMPORARY EXPANSION OF THE LICENSED PREMISES OF THEIR ON SALE INTOXICATING LIQUOR LICENSE FOR JUNE 28, 2014 BE APPROVED, CONDITIONED UPON THE APPLICANT ONLY ALLOWING PATRONS WITH ALCOHOL CONTAINED IN PLASTIC CUPS TO LEAVE THE PREMISES, AND THAT THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Birchland seconded the motion, and it was unanimously approved.

**UP NORTH TAPS, LLC (7 WEST TAPHOUSE), 7 W. SUPERIOR ST - APPLICATION FOR TEMPORARY EXPANSION OF LICENSED PREMISES OF THEIR ON SALE INTOXICATING LIQUOR LICENSE FOR JULY 9-11, 2014.**

Ben Herseth was present on behalf of the application. He stated that the application was for a patio in conjunction with Superior Street sidewalk days. Mr. Herseth stated it was the first time for this event. He noted that there was an amendment to the provided map, and that the fenced area would instead abut the building and there would not be a gap between the fenced area and the building where the sidewalk is located as depicted. He stated they will be serving food and beverages. In response to questioning from the Commission, Mr. Herseth stated he has not yet worked out anything with the Police Department regarding security but his staff would be responsible for carding individuals. To questioning from the Commission, Officer Vang stated he would work with Mr. Herseth. Commissioner Bartholomew-Kolu made the recommendation that patrons be served with plastic cups outside. The City Clerk stated that in conjunction with the Special Events Permit, the Council resolution contains standard language requiring the use of plastic cups. In response to questioning from the Commission, Mr. Herseth stated that he was advised that the sidewalk in front of his establishment should be blocked off. Attorney Lutterman explained that in order for the sidewalk to be blocked, the applicant would need a Sidewalk Use Permit from the planning department. Mr. Herseth stated he did not need to block the sidewalk and could put the barrier where needed. Attorney Lutterman explained that blocking the sidewalk would require the permit. Mr. Herseth stated that as such, he would not be blocking the sidewalk. The City Clerk stated further administrative issues could be worked out with the Applicant. There being no further discussion, Mr. Rosenthal moved THAT THE APPLICATION FOR UP NORTH TAPS, LLC (7 WEST TAPHOUSE), 7 W. SUPERIOR ST FOR TEMPORARY EXPANSION OF LICENSED PREMISES OF THEIR ON SALE INTOXICATING LIQUOR LICENSE FOR JULY 9-11, 2014, BE

APPROVED, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Ms. Bartholomew-Holu seconded the motion, and it was unanimously adopted.

**ROSSBERG, INC. (ROSCOE'S PIONEER BAR), 323 W. 1ST STREET - APPLICATION FOR TEMPORARY EXPANSION OF LICENSED PREMISES OF THEIR ON SALE INTOXICATING LIQUOR LICENSE FOR JULY 11, 2014.**

Curt Oberg was present on behalf of the application. He stated it is the fifth year they have held the event and it is in conjunction with Downtown Duluth Days. There have been no changes from prior year events. Mr. Oberg stated he had contacted Officer Vang and was working on security. In response to questioning from the Commission, Mr. Oberg stated there have been no issues in prior years. Mr. Oberg further stated they do not have a listed rain date because if it rains they move the event inside. There being no further discussion, Mr. Stauber moved THAT THE APPLICATION FOR ROSSBERG, INC. (ROSCOE'S PIONEER BAR), 323 W. 1ST STREET FOR TEMPORARY EXPANSION OF LICENSED PREMISES OF THEIR ON SALE INTOXICATING LIQUOR LICENSE FOR JULY 11, 2014, BE APPROVED, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Birchland seconded the motion, and it was unanimously approved.

**DULUTH AMATEUR HOCKEY ASSOCIATION, (BLUES FEST), BAYFRONT PARK, APPLICATION FOR A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE FOR AUGUST 8 - 10, 2014, WITH CLARKE COOLE, MANAGER.**

Clark Coole was present on behalf of the Duluth Amateur Hockey Association for the application. Mr. Coole stated this was the 3<sup>rd</sup> year the association would be providing beer for the Blues Festival. He stated the Association has not had any problems during that time and that it has been a very beneficial fundraiser, helping with financial aid, equipment and programming for youth. Mr. Coole stated he has submitted a request for an off-duty police officer to card in front of the beverage service tables. In response to questioning from the Commission, Mr. Coole stated there have been no changes from prior year events. There being no further discussion, Mr. Birchland moved THAT THE APPLICATION FOR DULUTH AMATEUR HOCKEY ASSOCIATION, (BLUES FEST), BAYFRONT PARK FOR A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE FOR AUGUST 8 - 10, 2014, WITH CLARKE COOLE, MANAGER, BE APPROVED, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Stauber seconded the motion, and it was unanimously approved.

**MINNESOTA CRAFT BREWER'S GUILD (ALL POINTS NORTH SUMMER BREW FEST), BAYFRONT PARK** - APPLICATION FOR A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE FOR JULY 26, 2014, WITH AMANDA BUHMAN, FEST COORDINATOR.

Amanda Buhman, Festival Coordinator, was present on behalf of the application. Ms. Buhman stated this was the third year the guild was holding this event at Bayfront Park. The guild is expecting the same number of patrons as prior year events, approximately 2,500 to 3,000 patrons. She stated there will be 75 breweries, serving from 3:00 p.m. to 7:00 p.m. there will be two off-duty police officers and additional security provided by the Guild. The layout of the event is similar to last year's event. In response to questioning from the Commission, Ms. Buhman stated there have been no issues with prior year events. There being no further discussion, Ms. Bartholomew-Kolu moved THAT THE APPLICATION FOR MINNESOTA CRAFT BREWER'S GUILD (ALL POINTS NORTH SUMMER BREW FEST), BAYFRONT PARK FOR A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE FOR JULY 26, 2014, WITH AMANDA BUHMAN, FEST COORDINATOR, BE APPROVED, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Rosenthal seconded the motion, and it was unanimously approved.

**RIDGEVIEW COUNTRY CLUB, 700 W. REDWING** - APPLICATION FOR A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE FOR JULY 24-27, 2014, WITH CLINT JOHNSON, MANAGER.

Clint Johnson, General Manager, was present on behalf of the application. He stated the application is for their annual golf tournament, and that this application is to make sure the Club is serving alcohol responsibly and within the requirements of their club license. He stated this is a required expansion to be able to serve guests and the gallery. He further stated it is their 88<sup>th</sup> Arrowhead Invitational and this is the third year he has applied for the expansion as general manager. Mr. Johnson explained there have been no changes to the event and they ID/card all patrons. He stated that it is a large area but that the event is well staffed and they have a retired police officer who volunteers for the event. There being no further discussion, Mr. Rosenthal moved THAT THE APPLICATION FOR RIDGEVIEW COUNTRY CLUB, 700 W. REDWING FOR A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE FOR JULY 24-27, 2014, WITH CLINT JOHNSON, MANAGER, BE APPROVED, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Ms. Bartholomew Kolu seconded the motion, and it was unanimously approved.

**JUST TAKE ACTION, INC. (ENDION STATION PUBLIC HOUSE), 200 LAKE PLACE DRIVE** - APPLICATION FOR AN ON SALE INTOXICATING LIQUOR LICENSE AND AN ON SALE SUNDAY LICENSE FOR THE PERIOD ENDING AUGUST 31, 2014, WITH TIM NELSON, 50% STOCKHOLDER, ROD RAYMOND, 50% STOCKHOLDER, AND JERRY PETERSON, CEO.

Tom Hagen, Director of Restaurant Operations for Just Take Action, Inc., was present on behalf of the application. In response to questioning from the Commission, Mr. Hagen stated the business will include 54 seats inside, with a deck area of 24 seats outside. They will be serving what they consider "boardwalk" food, and will have Fitger's Craft Beer with 20 taps. To questioning from the Commission, Mr. Hagen additionally stated that most food would be assembled on premise, but would be prepared and prepped at Tycoon's kitchen. Attorney Lutterman clarified that this food service met the requirements for the license. Mr. Hagen stated they have a desired opening of July 15<sup>th</sup> but the opening may be closer to August 1<sup>st</sup>. The City Clerk stated that the stockholders are licensees at a prior location but suggested Mr. Hagen provide background as to his experience in serving alcoholic beverages for the record. Mr. Hagen stated he currently oversees the Red Star Bar and Lounge; Fitger's Brewhouse, Burrito Union, is assisting with the opening of Toasty's and has been with the company for three years. He stated prior to that he opened Blackwater Lounge and was Chef at Blackwoods restaurant for 8 years. There being no further discussion, Ms. Bartholomew-Kolu moved THAT THE APPLICATION FOR JUST TAKE ACTION, INC. (ENDION STATION PUBLIC HOUSE), 200 LAKE PLACE DRIVE FOR AN ON SALE INTOXICATING LIQUOR LICENSE AND AN ON SALE SUNDAY LICENSE FOR THE PERIOD ENDING AUGUST 31, 2014, WITH TIM NELSON, 50% STOCKHOLDER, ROD RAYMOND, 50% STOCKHOLDER, AND JERRY PETERSON, CEO, 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 PERMANENT EXPANSION OF THEIR LICENSE PREMISES OF THE ON SALE INTOXICATING LIQUOR LICENSE FOR THE PERIOD ENDING AUGUST 31, 2014.

Tony Bronson was present on behalf of the application. He stated that they are seeking to serve food and alcohol on the brick area in front of Little Angie's, in between the two sets of steps without blocking the steps. Attorney Lutterman stated that she had researched the current seating area for Little Angie's and compared it to the limitations contained in the City Code. She stated that the deck surrounding Little Angie's is a City sidewalk and is currently utilized by Little Angie's under a Sidewalk Use Permit issued by the City Planning Commission. Attorney Lutterman stated that the current serving area exceeds the maximum amount of outside seating area authorized under the City Code Section 8-54(b) Clause 4 which limits the Sidewalk Use serving area to 500 square feet. Attorney Lutterman advised that the Applicant would not be eligible to expand their outdoor seating because they already exceed the amount authorized under the Code. Attorney Lutterman further advised that information has been provided to the Commission from the Planning Department indicating that the Department was not favorable to fencing of the area but that fencing for the area was required under the Code. Mr. Bronson stated that he had not been made aware of the maximum 500 feet issue but had been working with the Planning Department and Police Department regarding fencing, but as such did not have a response at this time. Mr. Bronson asked if this then prohibited the serving of alcohol but would food be ok? Attorney Lutterman

explained that they were to only serve food they would not to appear further before the Commission but would need to get a Sidewalk Use Permit, however if alcohol is being served both a Sidewalk Use Permit and an Expansion would be required; and the maximum allowable use for a sidewalk is 500 square feet. Mr. Bronson stated he did not expect any change of this requirement to occur at the hearing. The City Clerk inquired if Mr. Bronson is seeking to withdraw or table the application. Mr. Bronson stated he would request that the application be tabled. There being no further discussion, Mr. Stauber moved THE APPLICATION FOR GRANDMA'S RESTAURANT CO., (LITTLE ANGIE'S CANTINA), 11 EAST BUCHANAN STREET FOR PERMANENT EXPANSION OF THEIR LICENSE PREMISES OF THE ON SALE INTOXICATING LIQUOR LICENSE FOR THE PERIOD ENDING AUGUST 31, 2014, BE TABLED FOR FURTHER DISCUSSION. Mr. Birchland seconded the motion, and it was unanimously approved.

### **LAWFUL GAMBLING:**

Irving Community Association

Premise permit - Rustic Bar

Jenny Hinnenkamp, Gambling Manager for the Irving Community Center, was present on behalf of the application. Ms. Hinnenkamp the Association would like to begin operations at the Rustic Bar July 1<sup>st</sup>. In response to questions by the Commission, Ms. Hinnenkamp stated they would have pull-tabs, raffles, boards, everything allowable by the City of Duluth and done at other sites. There being no further discussion, Mr. Stauber moved THAT THE PREMISE PERMIT FOR IRVING COMMUNITY CENTER, RUSTIC BAR, BE APPROVED, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Rosenthal seconded the motion, and it was passed unanimously.

Cyclists of the Gitchee Gumees Shores

raffle - 60 day waiver request

Waylon Munge was present on behalf of the application. He stated they are seeking permission to sell raffle tickets for the Krause Anderson Duluth Bike Festival to be held August 16<sup>th</sup>. In response to questions from the Commission Mr. Munge stated the prizes for the raffle would be donations from the local bike shops and Trek Bicycle. There being no further discussion, Mr. Birchland moved THAT THE 60 DAY WAIVER REQUEST OF CYCLISTS OF THE GITCHEE GUMEE SHORES BE APPROVED, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Ms. Bartholomew-Kolu seconded the motion, and it was passed unanimously.

Arrowhead Builders Association

raffle - 60 day waiver request

Jim Walner, past President of the Arrowhead Builders Association and representing the Association, was present on behalf of the application. Mr. Walner stated the Association is to have a raffle for a casino night being held at Greysolon Plaza. Prizes

will be donations from other members, approximately \$7,000 in donations and hoping to raise the same amount. He stated the monies go to help fund operations, scholarship fund, veteran's projects, a habitat for humanity project and a first witness project. The association has applied to the State. There being no further discussion, 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. Mr. Birchland seconded the motion, and it was passed unanimously.

**HOSPITALITY OF DULUTH, LLC, (ACES ON FIRST), 113 W. 1ST ST. - APPLICATION FOR TEMPORARY EXPANSION OF THEIR ON SALE INTOXICATING LIQUOR LICENSE FOR JULY 11, 2014 (RAIN DATE JULY 18<sup>TH</sup>).**

**THE DUKE PARTNERS, LLC (SPURS ON 1<sup>ST</sup>), 220 W SUPERIOR ST - APPLICATION FOR TEMPORARY EXPANSION OF THE LICENSED PREMISES OF THEIR ON SALE INTOXICATING LIQUOR LICENSE FOR AUGUST 22, 2014 (RAIN DATE SEPT. 19TH).**

No one was present on behalf of the application. The City Clerk stated that application for Aces on First is time sensitive and being held in conjunction with Downtown Duluth Days. Mr. Stauber indicated that the application was approved last year without a representative being present. Mr. Rosenthal indicated his concern that both applicants have not appeared multiple times. The City Clerk recommended that the Commission could approve the application for Aces due to the time sensitive nature but table the application for Spurs as the event is being held at a later date, with the condition that the applicant have a representative present at that meeting. In response to questioning from Attorney Lutterman, Officer Vang stated he believed Mr. Patronas is still the operating manager of both businesses. Attorney Lutterman indicated that a prior hearing was rescheduled due to the health of the Licensee. Officer Vang indicated that if there is a change in management it is required to be reported to the City Clerk's office. Mr. Rosenthal indicated further concern for the non-appearance of the applicant. There being no further discussion, Mr. Birchland moved THAT THE APPLICATION FOR THE DUKE PARTNERS, LLC (SPURS ON 1<sup>ST</sup>), 220 W SUPERIOR ST FOR TEMPORARY EXPANSION OF THE LICENSED PREMISES OF THEIR ON SALE INTOXICATING LIQUOR LICENSE FOR AUGUST 22, 2014 (RAIN DATE SEPT. 19TH) BE TABLED FOR FURTHER DISCUSSION. Mr. Rosenthal seconded the motion, and it was unanimously approved.

Mr. Birchland moved THAT THE APPLICATION FOR HOSPITALITY OF DULUTH, LLC, (ACES ON FIRST), 113 W. 1ST ST. FOR TEMPORARY EXPANSION OF THEIR ON SALE INTOXICATING LIQUOR LICENSE FOR JULY 11, 2014 (RAIN DATE JULY 18<sup>TH</sup>) BE APPROVED, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Stauber seconded the motion. Mr. Stauber moved to amend THAT THE MOTION BE CONDITIONED UPON THE LICENSEE HAVING A REPRESENTATIVE PRESENT AT THE HEARING IN JULY REGARDING THE



SPURS APPLICATION. Mr. Birchland accepted the motion as a friendly amendment, and the amended motion was unanimously approved.

Commissioner Bartholomew-Kolu left the meeting at this time.

**HEARING TO DECIDE WHAT, IF ANY, DISCIPLINARY ACTION SHOULD BE TAKEN REGARDING THE ON SALE LIQUOR LICENSE OF WESSMAN ESTATE, LLC (TWIN'S BAR), 501 EAST FOURTH STREET.**

See attached transcript.

There being no further business, the meeting was adjourned at 7:13 p.m.