



TO: Mayor Shaun Sipma
Members of the City Council

FROM: Kelly Matalka, City Clerk

DATE: June 17, 2019

SUBJECT: ALCOHOLIC BEVERAGE LICENSE RENEWALS 2019-2020

I. RECOMMENDED ACTION

1. It is recommended the City Council approve the alcoholic beverage license renewals for the period of July 1, 2019 through December 31, 2020 for all applicants identified on the attached list who have submitted all application materials and passed background checks and inspections.
2. It is recommended the City Council approve the following license renewals for the period of July 1, 2019 through December 31, 2020 with the following conditions:
 - a. Atypical Brewery & Barrelworks
 - i. Condition: Submit full annual license fee
 - b. Hawthorn Suites By Wyndham
 - i. Condition: Submit full annual license fee
 - c. Loaf 'N' Jug #673
 - i. Condition: Submit full annual license fee
 - d. Roosters Nightclub
 - i. Condition: Submit full annual license fee
 - ii. Condition: Building and/or fire inspections completed after maintenance and/or renovation with recommendation for approval
 - e. The "O"riginal Bar & Nightclub
 - i. Condition: Submit full annual license fee
 - f. Mi Casa Su Casa Mexican Restaurant
 - i. Condition: Submit full annual license fee
 - ii. Condition: MPD finalize background check and recommend approval
 - g. Corbett Field
 - i. Condition: Submit full annual license fee
 - h. Little Blue Elephant
 - i. Condition: Submit full annual license fee
 - i. Thai Hot 2
 - i. Condition: Submit full annual license fee
 - j. Souris River Brewing
 - i. Condition: MPD finalize background check and recommend approval
 - k. Army's 2.0 Bottle Show & Lounge
 - i. Condition: MPD finalize background check and recommend approval
 - l. The Putt District
 - i. Condition: MPD finalize background check and recommend approval
 - m. Flower Box
 - i. Condition: MPD finalize background check and recommend approval
 - n. MAYSA
 - i. Condition: MPD finalize background check and recommend approval
 - o. Fireside

- i. Condition: Building and/or fire inspections completed after maintenance and/or renovation with recommendation for approval

II. DEPARTMENT CONTACT PERSONS

Jason Olson, Police Chief	857-4715
Kelly Matalka, City Clerk	857-4752

III. DESCRIPTION

Background

In order to renew the license, an application must be submitted for review by the Police Department and inspections are done by the Building Official and Fire Marshal. The attached spreadsheet tracks all of the information submitted and approvals granted. It should also be noted, since the recent ordinance change to license renewals, the term of the licenses will commence at 12:00 am July 1, 2019 and continue through 11:59 pm on December 31, 2020.

At the time of this memo, the following businesses have not complied with the requirements necessary for renewal of their license:

No Renewal Applications Submitted:

No renewal applications have been received for the following licenses:

- Captain's Cove Seafood Restaurant
- Clarion Hotel and Convention Center, Minot
- Pizza Ranch
- Quality Inn & Suites
- Thai Hot
- With Room Coffee

Because no renewal application has been received, no action is necessary by the City Council at this time. Once the applications (and all application materials identified in Section 5-18 of the City of Minot Code of Ordinances), if any, are submitted, and inspections and background checks are completed, the City Clerk will forward the applications to the City Council for review. Until applications are submitted and licenses are approved by the City Council, the licensees will not be permitted to engage in the sale of alcohol with regard to the specific licensed premises, after June 30, 2019.

No Annual License Fees:

Section 5-18 of the City of Minot Code of Ordinances requires that an application, accompanied by the required annual fee (as well as all of the other application requirements) be submitted to the City Clerk. Section 5-25 requires the City Clerk to submit the application to the City Council, within 45 days of receipt of all application materials, which specifically includes the annual license fee. The following applicants have not submitted the annual license fee:

- Atypical Brewery & Barrelworks
- Hawthorn Suites By Wyndham
- Loaf 'N' Jug #673
- Roosters Nightclub
- The "O"riginal Bar & Nightclub
- Mi Casa Su Casa Mexican Restaurant
- Corbett Field

Little Blue Elephant
Thai Hot 2

Because this is the first year of the new process, City staff recommends approving the license renewals in the preceding list, with a condition that the applicant submit the full annual license fee to the City Clerk. It should be specifically noted that if the full annual license fee is not submitted to the City Clerk on or before Friday, June 28, 2019, the licensee will not be permitted to sell alcoholic beverages after June 30, 2019.

Incomplete Background Checks:

The following applications were received recently (less than 45 days before this City Council meeting) and the MPD has not yet finalized the applicant background checks:

Souris River Brewing
Arny's 2.0 Bottle Shop & Lounge
The Putt District
Flower Box
Minotauros Junior Hockey Club
Mi Casa Su Casa Mexican Restaurant

The MPD is working to complete all background checks on the applicants, but due to the late application submittals, have not finalized those checks. Again, because this is the first year of the new process, City staff recommends approving the license renewals in the preceding list, with a condition that the MPD completes the background check and recommends approval before Friday, June 28, 2019.

Ongoing Maintenance/Renovation:

The following applicants are in the process of renovating the applicable licensed premises and, therefore, have not passed building and/or fire inspections:

Fireside
Roosters

City staff recommends approving the license renewals in the preceding list, with a condition that the building and/or fire inspections are completed after the maintenance or renovations are complete, and the building and/or fire inspectors recommend approval.

Have not provided documentation demonstrating food sales are greater than alcohol sales:

If a licensee allows individuals under twenty-one years of age on its licensed premises, state and local law requires gross sales of food be at least equal to gross sales of alcoholic beverages consumed in the dining area. City ordinance requires submission of a statement by a CPA or certified copies of the licensees sales tax returns for the most recent 12 month period be submitted to verify the requirement of the preceding sentence. The following applications, who currently allow individuals under twenty-one years of age on the licensed premises, did not submit the required verification documents:

Thai Hot 2
The Putt District
Mi Casa Su Casa Mexican Restaurant
ND Asia Restaurant
Sakura Japanese Steak House

Unless verification documentation is submitted on or before June 28, 2019, individuals under twenty-one years of age will not be permitted on the licensed premises of those licensee identified in the preceding list. As soon as the appropriate documentation is submitted and the licensees verify

compliance, individuals under twenty-one years of age will be permitted on the licensed premises. This information is only informative and no specific City Council action is required.

IV. IMPACT:

Fiscal Impact:

The fees vary depending on the type of license and is deposited into the appropriate general fund revenue account.

V. ALTERNATIVES

The City Council could deny a license renewal application if there is reasonable cause to do so, and the establishment would not be permitted to sell alcohol until obtaining a local alcoholic beverage license.

The City Council could table or postpone decision on the renewal applications that have not submitted all required application materials or passed all background checks and/or inspections.

VI. TIME CONSTRAINTS

Current licenses expire at 11:59 pm on June 30th of this year. If the establishment is continuing the sale of alcohol, the license renewal needs to be approved by City Council prior to that time.

VII. LIST OF ATTACHMENTS

- A. Alcoholic Beverage License Renewal List