



Legislation Details (With Text)

File #: 21-204 **Version:** 1 **Name:**

Type: Motion **Status:** Failed

File created: 2/25/2021 **In control:** City Council

On agenda: 4/6/2021 **Final action:** 4/6/2021

Title: Consideration of New Liquor License Braveheart LLC dba Froggy Bottoms at 307 Water Street South.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 1- Braveheart LLC Liquor License Investigative Report, 2. 2- Ex. A Alibi Drinkery - TRO dated 121820, 3. 3- Ex. B Zarza Aff, 4. 4- Ex. C Alibi Drinkery - Temporary Injunction date 122920, 5. 5- Ex. D First Inv. Siliciano Aff, 6. 6- Ex. E Second Inv. Siliciano Aff, 7. 7- Ex. F Inv. Ellis Aff, 8. 8- Ex. G Alibi Drinkery - Order for Contempt dated 010721, 9. 9- Ex. H AGE Alibi - Notice of 5 yr Revocation 12-31-20, 10. 10- Ex. I Letter.AdditionalInformation.03122021, 11. 11- Ex. J Alibi Revocation Upheld OAH Recommendation on Cross-Motions for Summary Disposition

| Date | Ver. | Action By | Action | Result |
|----------|------|--------------|---------|--------|
| 4/6/2021 | 1 | City Council | approve | Fail |
| 4/6/2021 | 1 | City Council | deny | Pass |

City Council Meeting Date: April 6, 2021

To: Mayor and City Council
City Administrator

From: Lynette Peterson, City Clerk
Mark Elliott, Chief of Police

Subject:
Consideration of New Liquor License Braveheart LLC dba Froggy Bottoms at 307 Water Street South.

Action Requested:

Staff recommends a motion to deny the liquor license application of Lisa Zarza to the City of Northfield for issuance of a liquor license for Braveheart LLC to sell on-sale liquor at the Premises at Froggy Bottoms, located at 307 Water Street South, Northfield, Minnesota, and adopt the Investigation report and findings on the same of the Chief of Police along with the exhibits attached thereto.

Summary Report:

The presentation of this information is being provided at the public hearing prior to this agenda item. There will be no additional staff presentations, applicant input or public input under this item as it is being provided at the public hearing. The City Council will entertain a motion and then proceed with questions and discussion before considering action.

The City Council is being asked to consider the 2021 liquor license renewal request. Current liquor licenses expire on March 31, 2021.

Staff has been working on the license renewals since early January. Licensees were provided with copies of applicable state laws, and Chapters 6 and 50 of the City Code. Each liquor license renewal application was checked for compliance, which covers the provisions of Minnesota State law and City Code. These provisions include:

- Background investigations on licensees
- Review of premises layout
- Review of liquor law violations for the previous five years
- Review of insurance certificates
- Review of delinquent utilities, taxes, assessments or other financial claims

All liquor license renewals were approved by the City Council on March 2, 2021 except for Froggy Bottoms due to the need for the owner to apply for a new liquor license due to a change of the ownership structure of the business. The City Clerk and Police Chief have been working with the owner to gather all required documentation for the application. There are some concerns over meeting the requirements for license issuance in city code and state statute. Details are included in the police background report attachment.

Once licenses are approved by the City Council, they will be sent to the Department of Public Safety Alcohol and Gambling Enforcement Division (DPS-AGE) for review and approval. Licenses will be issued after receipt of all required documents, any delinquent payments and successful completion of background checks.

Compliance checks of license holders were conducted March 4, 2020 by the Northfield Police Department. A second compliance check in 2020 was not conducted due to COVID concerns and shutdowns of bars and restaurants.

The City of Northfield policy regarding civil penalties for violation of liquor laws provides for penalties as follows:

| | |
|--|--|
| 1 st offense | \$250 civil penalty and require verification of retraining |
| 2 nd offense within 2 years | \$500 civil penalty and 3 day suspension of license and require verification of retraining |
| 3 rd offense within 3 years | \$2,000 civil penalty and 18 day suspension of license |
| 4 th offense within 5 years | Revocation of license |

Staff will be working with the City Attorney to review possible ordinance changes related to the process for assessing civil penalties to try and shorten the time between the violation and the assessment of the penalties. In addition, staff will be reviewing the penalty policy and amounts.

Alternative Options:

The Northfield City Council approves a motion the liquor license for Braveheart LLC dba Froggy Bottoms, subject to the following conditions:

1. Liquor licenses will be issued upon receipt of:
 - All required documents
 - Payment of all delinquent taxes, assessments, utility bills or other financial claims of the city
 - Payment of all remaining liquor license fees (Council waived all liquor license fees for 2021)
 - Approval of the State Alcohol and Gambling Enforcement Division

2. Outdoor Dining Permit is approved for Braveheart LLC dba Froggy Bottoms subject to the following conditions:
- Final review and approval of layout and barriers proposed to be used by the Chief of Police
 - Compliance with all terms and conditions noted in City Code Section 6-70 - Temporary expansion of licensed premises/outdoor sales and service
 - Froggy Bottoms hours of operation: Monday - Thursday 4 - 10 pm and Friday - Sunday 11 am - 10 pm: with all tables, chairs and barriers removed from the Riverwalk each night after 10 pm.

Financial Impacts:

The City will not receive fees for liquor licenses since the Council decided to waive the liquor license fees for 2021.

Tentative Timelines:

Liquor licenses need to be approved by the City and forwarded to the Alcohol and Gambling Enforcement Division for review and approval.