

BAXTER CITY COUNCIL MINUTES
Work Session
October 6, 2015

Mayor Darrel Olson called the Work Session to order at 6:40 p.m.

COUNCIL MEMBERS PRESENT: Mayor Darrel Olson and Council Members Quinn Nystrom, Steve Barrows, Todd Holman, and Mark Cross

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: City Administrator Gordon Heitke, Community Development Director Josh Doty, Assistant City Administrator Kelly Steele, Public Works Director Trevor Walter, Chief of Police Jim Exsted, and Finance Director Jeremy Vacinek.

Liquor License Amendment to Allow On-Sale Intoxicating Liquor for Theaters Without Foods Sales

City Administrator Heitke explained an individual has come forth for the City to amend the liquor license requirements. The item was placed on the work session to provide the council with an overview and the item was also placed on the regular agenda because the individual would like to discuss their request. Staff is not seeking council direction during the work session.

Assistant City Administrator Steele explained the City has been approached by Paul Mathieu who has inquired about operating a ballroom in the commercial property at 13495 Elder Drive. Mr. Mathieu, a professional dancer, would provide ballroom dance lessons, conduct dance performances, and rent the space as a convention center. Mr. Mathieu would like to server beer and wine to his customers; however, Mr. Mathieu will not be serving food to his customers.

Community Development Director Doty explained the Planning and Zoning Commission would be reviewing Mr. Mathieu's application for a zoning ordinance amendment to allow a theater at the November meeting. Parking for the business while the neighboring businesses are open could be an issue. The building would be required to be sprinkled.

Mr. Mathieu currently operates The Promenade Ballroom in Perham where he provides dance lessons, conducts dance performances, and has a liquor license to serve beer and wine to his customers. Mr. Mathieu has explained the city of Perham has classified his use as a theater for the ability to issue a liquor license. Minnesota Statute 340A.101 defines a theater as a building containing an auditorium in which live dramatic, musical, dance, or literary performances are regularly presented to holders of tickets for those performances.

Mr. Mathieu explained the Minnesota Alcohol and Gambling Enforcement Division has agreed since he is a professional dancer, any performance space including his dance floor qualifies his space as an auditorium, which is appropriate for a theater performance. The State required Mr. Mathieu to issue tickets to the events where alcohol would be sold and that live dancing must be performed.

Minnesota Statute 340A.404 (b). A city may issue an on-sale intoxicating liquor license, an on-sale wine license, or an on-sale malt liquor license to a theater within the city, notwithstanding any law, local ordinance, or charter provision. A license issued under this paragraph authorizes sales on all days of the week to persons attending events at the theater.

City Code 3-3-1. The City may choose to be more restrictive than said state law and if such restrictions are set forth below, they shall be effective and preempt the more general restrictions of state law.

City Code 3-3-2. On-sale wine licenses shall be issued only to restaurants meeting the qualifications of Minnesota Statutes section 340A.404, subd. 5, and shall only permit the sale of wine not exceeding 14% alcohol by volume for consumption on the licensed premises only in conjunction with the sale of food. The holder of an on-sale wine license who is also licensed to sell 3.2% malt liquor at on-sale pursuant to article A of this chapter, and whose gross receipts are at least 60% attributable to the sale of food, may also sell malt liquors at on-sale without an additional license.

A concern with amending the City Code to license theaters or establishments not selling food, might provide the opportunity for other establishments such as “bars” to request a liquor license.

Mr. Mathieu does not want to go forward with the zoning application if he does not receive approval for the liquor license amendment.

The Council discussed serving alcoholic beverages with food and then trying to redefine what a beverage license might be other than what is currently allowed. There could be many conversations of what can go along with dancing. The Council discussed the difficulty of an amendment to the liquor license code without a review of all outcomes of change. The Council discussed if the mixed or changed uses are important for the city to foster. The consensus of the Council was to be cautious about changing the way the city administers liquor licenses.

Fire Inspections

City Administrator Heitke explained the weekly report contained some information related to fire inspections. City Administrator Heitke further explained with the departure of Bob Baumann, who had fire inspection credentials, the City is now back to utilizing the Brainerd Fire Department. The fire chief will accompany the inspector on all inspections. When the City amended the fire code, the amendment allowed the City to designate others as the fire inspector. The City is exercising the ability to defer to the Brainerd Fire Department. Once hired, the new inspector will be assigned assistant fire chief and inspector duties.

Set Date for Jewelwood Park Ceremony

Community Development Director Doty explained the Parks and Trails Commission recently discussed conducting a ribbon cutting ceremony for Jewelwood Park. The park is anticipated to be completed the third week in October. The council consensus is to conduct the ceremony on October 26 at 4:30 p.m.

Adjournment

MOTION by Council Member Barrows, seconded by Council Member Cross to adjourn at 6:55 p.m. Motion carries unanimously.

Approved by:

Respectfully submitted,

Darrel Olson
Mayor

Kelly Steele
Assistant City Administrator/Clerk