

April 8, 2024 Alcohol Ordinance Review and Rewrite Committee

Alcohol Ordinance Review and Rewrite Committee – April 8, 2024 AT 1:00 P.M.

Members Present:

Jon Hanson, Chairman Paul Pitner, Mayor Tom Ross, Brett Tinnes

Members Absent:

Kevin Black

Also Present:

Mikayla McWilliams (City Clerk), Harold Stewart (City Manager), Corbin Dickerson (Assistant City Attorney), Chief John Klug (Police Chief), Brian Billingsley (Community and Economic Development Director)

The meeting was called to order by Chairman Paul Pitner at 1:00 pm.

APPROVAL OF MINUTES

Mayor Ross moved the committee approve the minutes of the March 25, 2024 Alcohol Ordinance Review and Rewrite Committee meeting.

Motion seconded by Jon Hanson and carried the following vote: ayes: Hanson, Pitner, Ross, Tinnes; nays: none.

FIRST DISTRICT HEALTH SAFE SERVING TRAINING

Chairman Pitner began the conversation talking with the committee about the Grand Forks Ordinance 21-0235, which discusses their mandatory alcohol server training. First District Health could be in charge of the compliance checks and would maintain the records on the certifications.

Kevin Black was present at the meeting at 1:05 pm.

Mayor Ross moved city staff to draft a section in the ordinance to be similar to Grand Forks Ordinance 21-0235 with these changes:

- Strike 8-10:
(8) ~~The Grand Forks Police Department shall establish and/or approve a test for those persons completing an approved training program and for those seeking to renew a certificate of training.~~
(9) ~~The Grand Forks Police Department may authorize and approve a person or entity for the administration of any test or training program required hereunder.~~
(10) ~~Any person having completed the approved training must attain a minimum score of seventy five (75) percent on a test administered by, under the direction of, or approved by the Grand Forks Police Department in order to successfully complete the training and obtain or renew a certificate.~~
- Utilizing the online class would require the individual to file the certification paperwork with First District Health.
- Implement a penalty section on the business if the employees are not certified.
- First District Health would have the authority to do compliance checks.
- New employees have a 90-day window to complete the server training course.

Motion seconded by Brett Tinnes and carried the following vote: ayes: Black, Hanson, Pitner, Ross, Tinnes; nays: none.

First District Health asked the committee to consider the need for the license holders to submit an employee roster 1 month prior to renewal date. Requiring this training will hopefully prevent over serving and serving to minors. PD can also perform compliance checks on this section if there is a service call for over serving or serving to minors. The committee asked for this item to be brought back with the city staff changes to the ordinances.

DISCUSSION ON SECTION 5-27 OF CURRENT CITY OF MINOT ORDINANCES

Brian Billingsley discussed the outdoor dining area ordinances of Fargo and Bismarck. The two differences between the cities ordinances are:

Fargo:

K. Tables, chairs, ropes, fences and any other structure or item placed on the sidewalk must be removed from the sidewalk at the end of the business day, at business closure, or in the event of inclement weather, unless arrangements for assembly and storage of such items on a part of the sidewalk are approved in an encroachment agreement.

M. No canopy may be placed over a building exit.

Bismarck:

K. Tables, chairs, fences or dividers and any other structure or item placed on the sidewalk must be removed by November 1 each year and may not be set out until April 1 each year unless different dates are specifically allowed by the City Administrator.

M. No outdoor patio area equipment or furniture may be placed in such a manner as to obstruct a building exit.

Staff recommends all license holders apply for an outdoor dining permit and a special event permit to move the premise out on the sidewalk. Brian Billingsley could then look into updating our city ordinance on outdoor dining permits. The committee discussed how to regulate a rope to not encroach on the sidewalk accessible areas.

The committee also instructed staff to bring back a draft of the ordinance changes to include Retail Liquor, Beer, and Wine license holders to have the rigid fencing requirements and the other license holders operating with dining to utilize an outdoor dining permit. They would like to see the City of Minot Ordinances Section 28 Division 2 on outdoor dining permits updated to mimic the City of Fargo.

DISCUSSION OF SECTION 5-8 OF CURRENT CITY OF MINOT ORDINANCES

Brett Tinnes moved the committee to strike Easter Day from Section 5-8 to align with state law. Motion seconded by Jon Hanson and carried the following vote: ayes: Black, Hanson, Pitner, Ross, Tinnes; nays: none.

DISCUSSION OF SECTION 5-25 OF CURRENT CITY OF MINOT ORDINANCES

Mayor Ross moved the committee direct staff to create language for renewals to be an administrative approval and any new application to be brought to City Council for approval with a friendly amendment to include:

- Any renewal application with any violations of the server training requirements or any penalty violations resulting in a suspension must be brought to City Council to be approved.

Motion seconded by Jon Hanson and carried the following vote: ayes: Black, Hanson, Pitner, Ross, Tinnes; nays: none.

DISCUSSION OF SECTION 5-32 OF CURRENT CITY ORDINANCE

The committee had a brief discussion on how Fargo is set up with a Liquor Control Board, which could be a standing committee to assist and provide recommendations to City Council. Fargo has monetary fines included in the administrative violations.

Mayor Ross moved the committee direct staff to come back with an administrative fine schedule in Section 5-32 - Suspension or revocation of a license. Motion seconded by Brett Tinnes and carried the following vote: ayes: Black, Hanson, Pitner, Ross, Tinnes; nays: none.

Chairman Pitner advised the committee to look over the City of Minot Section 5-32 and research other cities. This will be brought back to a future meeting.

NEXT SCHEDULED MEETING

The next scheduled meeting is Monday, April 8, 2024, at 1:00 pm in the Council Chambers at City Hall. Staff will prepare the next agenda to include Section 5-32 Suspension or revocation of a license, Section 5-40 Special Permits; fees, Section 5-10 Retail delivery prohibited; exception, and additional business.

There being no further business, Mayor Ross moved the committee meeting be adjourned. Motion seconded by Jon Hanson and carried unanimously. Meeting adjourned at 2:25 pm.