

April 22, 2024 Alcohol Ordinance Review and Rewrite Committee

Alcohol Ordinance Review and Rewrite Committee – April 22, 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), Stefanie Stalheim (City Attorney)

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 April 8, 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.

OLD BUSINESS

1. Mandatory Server Training - Jen Clark, First District Health Unit, would like to see the process outlined as to how First District will get the employee lists from the business owners at the time of renewal. Mikayla McWilliams will check with staff to see if they can get access to our CityWorks software and staff will work internally to add this process into the ordinance.
2. Section 5-27 Premise Requirements – For (a), staff works on the assumption that First District Health Unit will shut down any business not operating with all sanitary, safety, and health requirements. Mikayla McWilliams spoke with the State of ND and it is possible for any applicant wanting to utilize an outdoor dining permit to submit a winter and summer premise with both the City and the State of ND. This process would then not require to special event permit the space every two weeks in use. The business owner would have to outline on the summer premise the dates in which that premise will be in use. If they want to utilize the outdoor space prior to or after the dates specified on the summer premise sheet, they business owner would need to special event permit.
Parking lots would not be included as a summer use permit due to parking ordinances. Brian Billingsley will still need to work on Chapter 28, Article VII, Division 2 Outdoor Dining, Streatory, and Parklet Encroachments. If annual meetings with business alcohol license holders becomes a requirement, this would be a good educational item for those meetings. The committee would like to see the changes made by Brian Billingsley at the next meeting. Discussion might need to be held about outlining a timeframe for the outdoor dining permits.
3. Section 5-8 Licensee to close at certain times – Easter Day was removed from the ordinance.
4. Section 5-25 City Clerk to submit application to City Council; approval – The committee would like to see a November 1st or 60-day deadline and discuss the possible penalty for turning in after the deadline. Also, there was direction to staff to add in Chief of Police or designee into the approval process. The new draft language would allow for renewals to be approved administratively with an appeal to City Council if there is a denial from the Chief of Police.

5. Section 5-32 Suspension or revocation of a license (addition of monetary penalty) - City staff added a monetary fee to violations 2-4. The committee gave direction to have the 5th violation have language added to include:
Fifth violation: Business liquor license recommended to be revoked ***and/or a fee of no less than \$2,500 at the discretion of the City Council***

Harold Stewart left the meeting at 2:04 pm. He mentioned he would like the committee to discuss the 1st violation of a letter of warning be administrative.

DISCUSSION OF SECTION 5-32 OF CURRENT CITY ORDINANCE

The committee discussed whether the violations 1-4 could be done administratively with the 5 violation being handled by City Council. With the discussion came the idea of if the penalties should be accumulative. What happens if the investigation of the 1st violation uncovers more violations? Who should handle violations: staff, municipal court, a liquor review board, or City Council?

Mayor Ross left the meeting at 2:26 pm.

This section of the ordinance discusses compliance checks, which could mean the controlled compliance checks for selling to a minor or is the business in compliance with the ordinance. The committee is going to have to think about the appeals process for all of the violations and who the business owner would appeal to.

The committee would like to see a sample letter of warning sent out to the business owners for the first violation and would like to discuss this topic more at the next meeting. The committee members should think about if the ordinance should increase the number of violations before revocation is recommended. The City of Minot is operating on a complaint based system, but if budget allows for a code enforcement staff member the process could change. City Staff will get feedback about how other committees handle violations. The committee should think about the fees structure and if it should change to accommodate a code enforcement staff member in the budget.

DISCUSSION OF SECTION 5-40 OF CURRENT CITY ORDINANCES

Mikayla McWilliams mentioned to the committee to look over the staff memo attachment and recommendation for the next meeting on the special event permit process.

NEXT SCHEDULED MEETING

The next scheduled meeting is Monday, May 13, 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, and Section 5-27 Premise requirements.

There being no further business, Jon Hanson moved the committee meeting be adjourned. Motion seconded by Brett Tinnes and carried unanimously. Meeting adjourned at 2:55 pm.