



MAYOR AND COUNCIL COMMUNICATION

DATE: 8/06/2013
CONSENT
ITEM #: 6

AGENDA ITEM: Authorization for John Schiltz to dispense beer and wine coolers at the Lake Elmo Days event on September 6 and 7, 2013.
SUBMITTED BY: Alyssa MacLeod, Taxpayer Relations & Communications Coordinator
THROUGH: Dean Zuleger, City Administrator
REVIEWED BY: Adam Bell, City Clerk

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item.....Staff
- Report/PresentationStaff
- Questions from Council to Staff..... Mayor Facilitates
- Public Input, if Appropriate..... Mayor Facilitates
- Call for Motion..... Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion Mayor Facilitates

SUMMARY AND ACTION REQUESTED:

As part of the Consent Agenda, the City Council is requested to consider authorization for John Schiltz, owner and operator of Lake Elmo Inn, a municipal retail on-sale liquor license holder to dispense beer and wine coolers off premises and allow for consumption within the parameters set for the City’s Lake Elmo Days event on September 6 & 7, 2013. **As part of the Consent Agenda, no formal motion is required.** If the Council wishes to further discuss this authorization, they can remove this item from the Consent Agenda and approve the authorization by taking the following action:

“Move to authorize John Schiltz, owner and operator of Lake Elmo Inn, a municipal retail on-sale liquor license holder, to dispense beer and wine coolers off premises and allow for consumption within the parameters set for the City’s Lake Elmo Days event being held September 6 and 7, 2013.”

BACKGROUND AND STAFF REPORT:

Pursuant to MN State Statute 340A.404 Subd. 4(b), under Special provisions; sports, conventions, or cultural facilities; community festivals, the governing body of a municipality may authorize a holder of a retail on-sale intoxicating liquor license issued by the municipality to dispense intoxicating liquor off

premises at a community festival held within the municipality. The authorization shall specify the area in which the intoxicating liquor must be dispensed and consumed, and shall not be issued unless the licensee demonstrates that it has liability insurance as prescribed by section 340A.409 to cover the event. The City of Lake Elmo, in conjunction with local businesses and the community, will hold the Lake Elmo Days event on September 6 and 7, 2013. Authorization is necessary for the safe sale of alcohol at the event and to confirm the requirement of liability insurance for the municipal on-sale license holder.

FINANCIAL IMPACT:

There is no financial cost to the City.

RECOMMENDATION:

Staff recommends the City Council authorize as part of the Consent Agenda for John Schiltz, owner and operator of Lake Elmo Inn, a municipal retail on-sale liquor license holder to dispense beer and wine coolers off premises and allow for consumption within the parameters set for the City's Lake Elmo Days event being held September 6 and 7, 2013. **As part of the Consent Agenda, no formal motion is required.** If the Council wishes to further discuss this authorization, they can remove this item from the Consent Agenda and approve the authorization by taking the following action:

“Move to authorize John Schiltz, owner and operator of Lake Elmo Inn, a municipal retail on-sale liquor license holder, to dispense beer and wine coolers off premises and allow for consumption within the parameters set for the City's Lake Elmo Days event being held September 6 and 7, 2013.”

AUTHORITY:

2012 Minnesota Statutes:

§ 340A.404 INTOXICATING LIQUOR; ON-SALE LICENSES.

Subd. 4. Special provisions; sports, conventions, or cultural facilities; community festivals.

(b) The governing body of a municipality may authorize a holder of a retail on-sale intoxicating liquor license issued by the municipality to dispense intoxicating liquor off premises at a community festival held within the municipality. The authorization shall specify the area in which the intoxicating liquor must be dispensed and consumed, and shall not be issued unless the licensee demonstrates that it has liability insurance as prescribed by section 340A.409 to cover the event.