



**SPECIAL CITY COUNCIL MEETING
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS
DECEMBER 18, 2019
5:00 PM**

Call to order

Pledge of Allegiance

PUBLIC HEARINGS

1. Public hearing and consider to approve the renewal of 2020 Club On-Sale and Sunday Liquor licenses for Minneapolis-Richfield American Legion Post No. 435, 6501 Portland Avenue South.
Staff Report No. 182
2. Adjournment

Auxiliary aids for individuals with disabilities are available upon request. Requests must be made at least 96 hours in advance to the City Clerk at 612-861-9738.



STAFF REPORT NO. 182
CITY COUNCIL MEETING
12/18/2019

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director/Chief of Police

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
12/13/2019

ITEM FOR COUNCIL CONSIDERATION:

Public hearing and consider to approve the renewal of 2020 Club On-Sale and Sunday Liquor licenses for Minneapolis-Richfield American Legion Post No. 435, 6501 Portland Avenue South.

EXECUTIVE SUMMARY:

On December 13, 2019, the City received the application materials for the renewal of Club On-Sale and Sunday Liquor licenses for Minneapolis-Richfield American Legion Post No. 435, 6501 Portland Avenue South. All required information and documents have been provided. All licensing fees have been received.

According to Richfield City Code, Section 1202.07 - License Eligibility, Subd. 2, no license shall be granted to or held by any premises upon which taxes or assessments or other financial claims of the City or of the State are due, delinquent and unpaid.

The City Council may, upon request by the applicant or licensee, waive strict compliance with this provision if the applicant or licensee has contested their tax liabilities or other financial claims through a process permitted by Federal or State regulations or by City ordinance; or is working out debt problems under the supervision of a bankruptcy court or pursuant to some other formal agreement. No waiver may be granted, however, if taxes or any portion thereof, remain unpaid for a period exceeding one (1) year after becoming due.

The American Legion has not paid their 2019 real estate taxes but has paid 2018 taxes. The Legion also owes the City \$7,240.96 in utility fees but intends to pay the balance before the December 18 Council meeting. Therefore, the American Legion is requesting a waiver since they don't have any unpaid obligations beyond a year of becoming due and have a formal agreement with Hennepin County to pay their outstanding 2019 taxes.

RECOMMENDED ACTION:

Conduct and close the public hearing and by motion: Consider a waiver to approve the renewal of 2020 Club On-Sale and Sunday Liquor licenses for the Minneapolis-Richfield American Legion Post No. 435, 6501 Portland Avenue South.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- On November 4, 2019, the City received the application materials for the renewal of Club On-Sale and Sunday Liquor licenses for Minneapolis-Richfield American Legion Post No. 435.
- The applicant has satisfied the following requirements for issuance of a license:
 - The required license fees have been paid.
 - While 2019 real estate taxes are still in arrears the Legion paid 2018 taxes on December 13.
 - Water utilities with the City are also in arrears with a total of \$7,240.96 due but the Legion plans to pay the full amount on Monday, December 16. The City certified \$3,475.68 in unpaid utility fees in November.
 - Proof of liquor liability insurance coverage has been received showing Integrity Mutual Insurance Co. affording coverage. Workers' compensation insurance has also been supplied.
 - Due to the fact they are a club/veterans organization, they are exempt from meeting the code requirement that states, "more than 50% of business activities must be related to the service of food".
 - Environmental Health staff received two complaints regarding the Minneapolis-Richfield American Legion for the previous year.
- The Public Safety background investigation has been completed. The results of the investigation are summarized in an attachment to this report. The Public Safety Director has reviewed the information in the background investigation report. There is no information in the investigation that shows any cause for recommending denial of the requested licenses.
- The Club On-Sale and Sunday Liquor licenses will expire on December 31, 2019.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

- Richfield City Code Section 1202 requires owners of Club On-Sale and Sunday Liquor establishments to comply with all of the provisions of both City Code and State Statutes.
- Richfield City Code Section 1202.07 - License Eligibility, Subd. 2 states no license shall be granted to or held by any premises upon which taxes or assessments or other financial claims of the City or of the State are due, delinquent and unpaid. The City Council may, upon request by the applicant or licensee, waive strict compliance with this provision if the applicant or licensee has contested their tax liabilities or other financial claims through a process permitted by Federal or State regulations or by City ordinance; or is working out debt problems under the supervision of a bankruptcy court or pursuant to some other formal agreement. No waiver may be granted, however, if taxes or any portion thereof, remain unpaid for a period exceeding one (1) year after becoming due.

C. CRITICAL TIMING ISSUES:

There are no critical timing issues.

D. FINANCIAL IMPACT:

The required licensing fees have been received.

E. LEGAL CONSIDERATION:

The requirements of Resolution No. 9511 must be met, which outlines the discipline expected if any ongoing problems occur. A copy of the Resolution has been given to the owners of the establishment.

ALTERNATIVE RECOMMENDATION(S):

- The Council could decide to deny the requested licenses, which would mean the current applicants would not be able to obtain Club On-Sale and Sunday Liquor licenses.
- Schedule the hearing for another date. However, this may delay the licensing process.

PRINCIPAL PARTIES EXPECTED AT MEETING:

American Legion representative

ATTACHMENTS:

Description

▣ Background Summary-American Legion

Type

Cover Memo

SUMMARY OF BACKGROUND INVESTIGATION REPORT
FOR MINNEAPOLIS-RICHFIELD AMERICAN LEGION POST No. 435

Officers:

Adam Seamans- Commander
Casey Ludewig- 1st Vice Commander
Thomas Eckhoff- Finance Officer

Criminal History:

The following criminal histories reflect the previous and current year. Adam Seamans has no known criminal record. Casey Ludewig has no known criminal record. Thomas Eckhoff has no known criminal record. Michael Pelino, who serves as the General Manager, has no known criminal record.

Premises:

Minneapolis-Richfield American Legion Post 435 is the owner of the property. Property has delinquent taxes with the amount of \$62,419.85 due.

Record of Service Calls:

There were 31 Public Safety/Police contacts with Minneapolis-Richfield American Legion Post 435 from October 2018 through September 2019. This compares with 40 contacts for the previous year. A breakdown of these contacts is attached to this report.

Violations:

The most recent violation for the sale of alcohol to underage youth with Minneapolis-Richfield American Legion was March 19, 2010.

Routine Information:

Club On-Sale Intoxicating and Sunday Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

There are no distant requirements to notify neighbors of the issuance or renewal on Club On-Sale and Sunday Liquor sales.

The Notice of Public Hearing was published in the Richfield Sun Current on November 28, 2019.

Minneapolis-Richfield American Legion Post No. 435

Directors and Officers

Adam Seamans
Casey Ludewig
Thomas Eckhoff

Commander
1st Vice Commander
Finance Officer

PUBLIC SAFETY CONTACTS

October 2018 through September 2019

Minneapolis-Richfield American Legion Post No. 435

	<u>2018</u>	<u>2019</u>
<u>TOTAL CONTACTS</u>	40	31
<u>CRIMINAL CONTACTS</u>	17	16
Incidents (see bottom of page for specifics)	(12)	(15)
Alarm	(5)	(1)
<u>MISC. NON-CRIMINAL</u>	23	15
Assists	(10)	(2)
Traffic	(9)	(12)
Inspections/Licensing	(1)	(1)
Medical/Fire	(3)	(0)
Miscellaneous	(0)	(0)

The criminal contacts from October 2018 through September 2019 were: one theft, one fight call, one attempt to locate, two property damage accidents, two intoxicated people, one private property tow or repo, four disturbances, two 911 follow ups, one assault, and one commercial alarm.

(Numbers in parenthesis are included in total contact figures)