



MINUTES
LIQUOR COMMISSION - REGULAR SESSION
TUESDAY, JANUARY 14, 2025, 4:00 PM

The Liquor Commission convened in regular session at 4:00 p.m. Commissioner Mboka Mwilambwe called the meeting to order.

Roll Call

Attendee Name	Title	Status
Lindsey Meister	Commissioner	Present
Mboka Mwilambwe	Commissioner	Present

Staff Advisors

Attendee Name	Title	Status
Leslie Smith-Yocum	City Clerk	Present
George Boyle	Asst. Corporation Counsel	Present
Chris McAllister	Building Official	Present
Paul Williams	Asst. Police Chief	Present

Public Comment

No public comment was received.

Consent Agenda

Items listed on the Consent Agenda are approved with one motion; Items pulled from the Consent Agenda for discussion are listed and voted on separately.

Commissioner Meister made a motion, seconded by Commissioner Mwilambwe, to approve the Consent Agenda as presented.

Item 4.A. Consideration and Action on Approving the Minutes of the December 10, 2024, Regular Liquor Commission Meeting.

Commissioner Mwilambwe directed the clerk to call roll:

AYES: Mwilambwe; Meister

Motion carried.

Regular Agenda

All license creations, amendments, or transfers are contingent upon compliance with all building, health, and safety codes.

The following item was presented:

Item 5. A. Public Hearing and Action on an Application from Around the Corner, Inc., d/b/a DR McKays Bar and Grill, located at 909 N. Hershey Rd., Suite 2, is Requesting Approval of a Change in Classification from a Class TAS (Tavern, All Types of Alcohol, and Sunday Sales) to a Class RAS (Restaurant, All Types of Alcohol, and Sunday Sales) Liquor License.

Commissioner Mwilambwe opened the Public Hearing at 4:06 p.m.

Rachel Jones, Owner of Around the Corner, Inc. (Applicant), and Elizabeth Beran, General Manager of the establishment, after being sworn, addressed the Commission. Ms. Jones explained that when the establishment originally opened, they were unsure if they could meet the threshold of food revenue outlined in the Code for a restaurant license. She stated they now know they can meet the food threshold and would like young adults to be able to visit the establishment without a parent or guardian present. She mentioned that at least 60% of the revenue was received from food regularly so moving away from the tavern license made sense.

Commissioner Mwilambwe asked how the business would be prepared to handle an increase in traffic. Ms. Jones explained that they already check identification at each table before serving and would increase staff, if necessary, due to additional customers. She did not believe the change in classification would result in a large increase in traffic but would allow them to not be strict with ages entering to eat.

Commissioner Meister questioned if the hours of operation would remain the same and wanted to verify that all staff who serve would be BASSET Certified. Ms. Jones answered yes to both.

George Boyle, Asst. Corporation Counsel, confirmed that Ms. Jones was aware of the requirements of a Class R license where revenue was concerned. Ms. Jones answered yes. Mr. Boyle asked if the business had a plan in place to deter minors from entering the video gaming area. Ms. Jones explained that the gaming room was separate, and signs were posted to make customers aware of the regulations regarding age.

Commissioner Mwilambwe asked if there was anyone in the audience present to speak for or against the item. No one came forward.

Commissioner Mwilambwe closed the Public Hearing at 4:12 p.m.

Commissioner Mwilambwe made a motion, seconded by Commissioner Meister, to positively recommend the Item to Council as presented.

Commissioner Mwilambwe directed the clerk to call roll:

AYES: Mwilambwe; Meister

Motion carried.

The following item was presented:

Item 5. B. Public Hearing and Action on an Application from Green Top Grocery Cooperative, d/b/a Green Top Grocery, located at 921 E. Washington St., Requesting Approval of a Change in Classification from a Class PAS (Package, All Types of Alcohol, and Sunday Sales) to a Class PAPS (Package, All Types of Alcohol, On or Off Premises, and Sunday Sales) Liquor License.

Commissioner Mwilambwe opened the Public Hearing at 4:14 p.m.

Mary O'Mara, Operations Manager for Green Top Grocery Cooperative (Applicant), after being sworn, addressed the Commission. She explained that they planned to allow on-site alcohol consumption in specific areas of their store, including the mezzanine, teaching kitchen, and patio, as highlighted on the provided map. She shared that they had held various events in the mezzanine space and teaching kitchen but had not allowed alcohol. She clarified that the patio area was a shared space, but that their landlord had indicated they could use a designated section under their awning.

George Boyle, Asst. Corporation Counsel, stated that the provided map was marked Exhibit A.

Commissioner Meister asked if there would be a bar area in the mezzanine or if they would buy alcohol and then take it to that area. Ms. O'Mara explained that customers would purchase alcohol and then it would be brought to the teaching kitchen and mezzanine area. She noted that they would also be interested in outdoor events that would allow beer to be served in addition to non-alcoholic items to increase sales.

Commissioner Meister asked if the event spaces mentioned previously would be rented out. Ms. O'Mara explained that rentals were offered in the teaching kitchen and that they wanted customers who attended cooking classes to be allowed to pair the food with wine. She noted they also held birthday parties and would love to have alcohol available for those as well.

Commissioner Meister asked what the occupancy would be for either of the areas. Ms. O'Mara estimated that the mezzanine would be around 10-15 people and the teaching kitchen around 20 people.

Commissioner Meister asked if wine could be corked and taken to go if someone did not finish a bottle. Mr. Boyle stated that the State had regulations for that type of situation.

Commissioner Meister verified that all employees would be BASSET certified. Ms. O'Mara confirmed.

Commissioner Meister asked how underage drinking would be monitored. Ms. O'Mara explained that identification would be checked at the time of purchase and noted that was existing practice. She added that the store was small, and a lot of customers would not be there at one time. She also explained that staff would continuously monitor the approved areas.

Commissioner Mwilambwe asked if alcohol would be purchased from the register and then taken to the approved areas. Ms. O'Mara confirmed and added that the purpose of the request would not be for daily use, but for events and use of the rental space. She estimated the additional spaces would be used once per month.

Commissioner Mwilambwe asked what the typical hours would be. Ms. O'Mara answered that most events run 2-3 hours.

Commissioner Mwilambwe asked for clarification about the shared patio space. Ms. O'Mara referred to Exhibit A to show the patio space and noted that the landlord was supportive of the venture.

Chris McAllister, Building Official, expressed concern about the floor plan stating that he would like to better evaluate the requested spaces to understand where alcohol would be served and how each space would be used in terms of occupancy.

Paul Williams, Asst. Police Chief, noted the outdoor event that had been referenced and asked how many people had attended in the past. Ms. O'Mara estimated there were 300 to 500 people throughout various events and indicated on the map where the parking lot had been blocked off.

Asst. Chief Williams asked if alcohol would be permitted to be consumed in the parking lot during the events. Ms. O'Mara explained that she did not believe they would plan to have alcohol consumed there and pointed out that they recently purchased items to use for crowd control.

Leslie Yocum, City Clerk, noted that if alcohol were approved, there would be additional applications needed when hosting future parties. Ms. O'Mara clarified that if the Commission was more comfortable with it, alcohol could be restricted to designated areas.

Commissioner Mwilambwe noted Green Top's estimate of 300-500 people attending their outdoor events and asked over what timeframe they anticipated those larger crowds. Ms. O'Mara responded that the 300–500-person estimate was likely an overestimate, and that the events were actually more in the range of 250-350 people over the course of 3-4 hours.

Commissioner Mwilambwe asked if Ms. O'Mara would say the past events felt crowded. Ms. O'Mara noted that they were their biggest days of the year and that the events attracted many new customers.

Commissioner Mwilambwe acknowledged that the crowd size estimates were important factors to consider. He noted that if the events were more sparsely attended, even with 300 people over several hours, it may be easier to manage and monitor the situation. He indicated they seemed to have an issue with the outdoor patio space that needed further definition, rather than an issue with the indoor spaces.

Mr. McAllister clarified that he was more concerned about the indoor spaces, rather than the outdoor patio area. He explained that the indoor spaces, where people would be more contained, were his primary focus to ensure they had a firm understanding of those areas. He noted that the outdoor event spaces were typically more controlled through means like temporary fencing, so his main concern was getting a better handle on the details of the indoor spaces.

Mr. Boyle confirmed that the mezzanine and teaching kitchen spaces were exclusively possessed by Green Top, with no other tenants sharing those areas, and that the license request covered all types of spirits, not just beer and wine. Ms. O'Mara confirmed. Mr. Boyle noted that Commissioner Mwilambwe had alluded to some concerns about the outdoor tent area. He explained that from a legal perspective, they would need to check whether Green Top had exclusive lease rights to that tent area, or if it was considered a common leasehold shared with other tenants. Ms. O'Mara stated that she did not know how the area was outlined specifically in terms of the lease.

Mr. Boyle explained that the issue with the outdoor tent area was more of a redefinition of premises rather than just a reclassification of the license. He said that from a legal perspective, he would recommend setting this part of the request for review next month, so they could work with Green Top to straighten out the details around their rights and responsibilities for that shared outdoor space. He noted that State law requires a liquor license to be tied to specific premises that the licensee either owns or has a lease for and with common areas like the tent space, the legal implications around responsibility and insurance become more complex, so he wanted to ensure they had a clear understanding of Green Top's rights and lease terms for that area before moving forward.

Commissioner Mwilambwe asked if the awning went around the entire highlighted area in Exhibit A. Ms. O'Mara answered no and said it was only in the area for the patio. She noted that they included the sidewalk area because that is where they would generally set up booths for outdoor events.

Commissioner Mwilambwe agreed to continue the application for review at next month's meeting to allow time for Mr. McAllister to review the details of the indoor spaces, and for Mr. Boyle to follow up on the lease and insurance implications of the shared outdoor area.

Commissioner Mwilambwe closed the Public Hearing at 4:35 p.m.

Commissioner Mwilambwe continued the Item until the February 11, 2025, Liquor Commission meeting.

The following item was presented:

Item 5. C. Continued Public Hearing and Action on an Application from Ma Bhavani, LLC, d/b/a Bidi Smoker, located at 2303 E. Washington St., Suite 1, Requesting Approval for the Creation of a Class PAS (Package, All Types of Alcohol, and Sunday Sales) Liquor License.

Commissioner Mwilambwe opened the Public Hearing at 4:36 p.m.

Mayur Patel, Owner of Ma Bhavani, LLC (Applicant), and Hiteshkumar Patel, General Manager of Bidi Smoker, after being sworn, addressed the Commission. Mr. Mayur Patel explained that they had received requests from customers that the business had top-selling alcohol items in addition to tobacco. He stated that if they were approved, it would be good for both the business and the City.

Commissioner Meister expressed concern about the location of the establishment being in a congested area with several other businesses. She also noted that in the previous Hearing, it was discussed that there was no rear access to the building. Mr. Hiteshkumar Patel explained that there was a back entrance available with additional parking. He noted that in the past two years, the parking area was not as busy all day and that there seemed to only be certain busy times throughout the day.

Commissioner Meister asked how much of the store would be dedicated to alcohol versus to the smoke shop. Mr. Hiteshkumar Patel explained that the smoke shop would remain the same and that only two aisles would be dedicated to alcohol. He noted they would also keep alcohol behind the counter due to limited floor space.

Commissioner Meister asked more about the additional parking. Mr. Hiteshkumar Patel stated that there was parking available in the front, on the side, and behind the store.

Commissioner Mwilambwe asked for clarification about a comment made previously regarding the store selling popular alcohol items. Mr. Hiteshkumar Patel explained that they would sell specific popular brands.

Commissioner Meister asked what the hours of operation were. Mr. Hiteshkumar Patel and Mr. Mayur Patel both confirmed they were open from 8 a.m. to 10 p.m.

Commissioner Mwilambwe asked how many people on average generally came into the store at one time. Mr. Hiteshkumar Patel stated that about 30-40 customers visited per day. Commissioner Mwilambwe asked how many more customers they anticipated with alcohol sales. Mr. Hiteshkumar Patel answered that they expected about 10 additional customers per day.

Paul Williams, Asst. Police Chief, asked if they anticipated a change in hours of operation if approved. Mr. Hiteshkumar Patel answered that they would be open to modifying hours if the City required it. Asst. Chief Williams confirmed that they had no plans to change the hours. Mr. Hiteshkumar Patel confirmed.

George Boyle, Asst. Corporation Counsel, asked if they would be open to a condition being placed on the license that would require the store to close at 10 p.m. Mr. Hiteshkumar Patel stated that in the warmer months, they would potentially want to close at a later time.

Commissioner Meister mentioned that The Pass Pub & Grill was adjacent to the applicant and the people who left the bar would potentially want to buy packaged alcohol as they left. She stated that she did not feel a time restriction would be an issue and gave the example of closing at 11 p.m. in the warmer months. Commissioner Meister asked the applicant if they would be open to a condition stating they would have to close by 12 a.m. Mr. Hiteshkumar Patel answered that they would stay open if the City required it.

Commissioner Mwilambwe clarified that the City's condition would prevent the business from staying open later than the time listed and that the City would not require them to stay open until a set time. Both representatives indicated they would be okay with the condition of being closed by midnight.

Commissioner Mwilambwe asked Mr. Boyle to explain the reasoning for why a condition would be placed on the license. Mr. Boyle gave a brief explanation regarding why conditions may be placed on a license and indicated that without a condition placed, the business would have the option to stay open to the maximum times based on the Code.

Commissioner Mwilambwe confirmed that the business would be open on Thursday, Friday, and Saturday until 11 p.m. in the summer. Both representatives answered yes.

Commissioner Mwilambwe asked if they would plan to be open later than 11 p.m. at any time. Mr. Hiteshkumar Patel explained that they would only plan to be open later if they anticipated customers to come in. He stated that they generally did not see many customers after 10 p.m.

Commissioner Mwilambwe questioned if a condition was necessary if the business had no intentions of being open past 11 p.m. Commissioner Meister agreed a condition was not necessary.

Mr. Boyle asked if there were other liquor stores in the area. Mr. Hiteshkumar Patel mentioned Friar Tuck Beverage and Fresh Thyme Market. Commissioner Mwilambwe noted that Fresh Thyme Market closed at 9 p.m.

Mr. Boyle asked if either of the representatives had experience with a business that has sold alcohol. Mr. Mayur Patel answered that he had worked at Lake Villa Liquor in Lake Villa, IL, and Doti Liquors in Elmhurst, IL. Mr. Boyle asked if there were any violations associated to the previous businesses. Mr. Mayur Patel answered no. Mr. Boyle asked if Mr. Mayur Patel held ownership in the places listed. Mr. Mayur Patel answered yes.

Mr. Boyle asked if there were any other businesses Mr. Mayur Patel owned. Mr. Mayur Patel explained that he also held ownership at Gladstone Food Mart in Chicago, Illinois, and was part owner of Alsip BP in Alsip, IL and Worth BP in Worth, IL.

Commissioner Mwilambwe asked if there was anyone in the audience present to speak for or against the item. No one came forward.

Commissioner Mwilambwe closed the Public Hearing at 4:55 p.m.

Commissioner Meister made a motion, seconded by Commissioner Mwilambwe, to positively recommend the Item to Council as presented.

Commissioner Mwilambwe directed the clerk to call roll:

AYES: Mwilambwe; Meister

Motion carried.

The following item was presented:

Item 5.D. First Appearance on a Citation Issued to MCO QSR, Inc. d/b/a Froth & Fork, located at 712 S. Eldorado Rd., for Violating Chapter 6, Section 26(a) of the Bloomington City Code Relating to Selling Alcohol to a Minor.

George Boyle, Asst. Corporation Counsel, explained that the Citation was the establishment's 5th compliance check failure in two years, which resulted in the settlement of a \$2,000 fine and a one-day suspension, which would take place on Saturday, January 18, 2025.

Item 5.E. First Appearance on a Citation Issued to Gill Street Group LLC d/b/a Gill Street Sports Bar & Restaurant, located at 3002B Gill Street, for Violating Chapter 6, Section 26(a) of the Bloomington City Code Relating to Selling Alcohol to a Minor.

George Boyle, Asst. Corporation Counsel, explained that the Citation was the establishment's 2nd compliance check failure in two years, which resulted in the settlement of a \$1,000 fine.

Item 5.F. First Appearance on a Citation Issued to Tony's Tacos Downtown Inc d/b/a Tony's Tacos, located at 2303 E. Washington St. Unit 300, for Violating Chapter 6, Section 26(a) of the Bloomington City Code Relating to Selling Alcohol to a Minor.

George Boyle, Asst. Corporation Counsel, explained that the Citation was the establishment's 1st compliance check failure in two years, which resulted in the settlement of a \$600 fine.

Item 5.G. First Appearance on a Citation Issued to TVEO Corporation d/b/a Eric's Too, located at 921 Maple Hill Rd., for Violating Chapter 6, Section 26(a) of the Bloomington City Code Relating to Selling Alcohol to a Minor.

George Boyle, Asst. Corporation Counsel, explained that the Citation was the establishment's 4th compliance check failure in two years, which resulted in the settlement of a \$1,600 fine and a one-day suspension, which would take place on Saturday, February 1, 2025.

New Business

No New Business was discussed.

Adjournment

Commissioner Mwilambwe made a motion, seconded by Commissioner Meister, to adjourn the meeting.

AYES: Mwilambwe; Meister

Motion carried (viva voce).

The Meeting Adjourned at 5 p.m.

CITY OF BLOOMINGTON



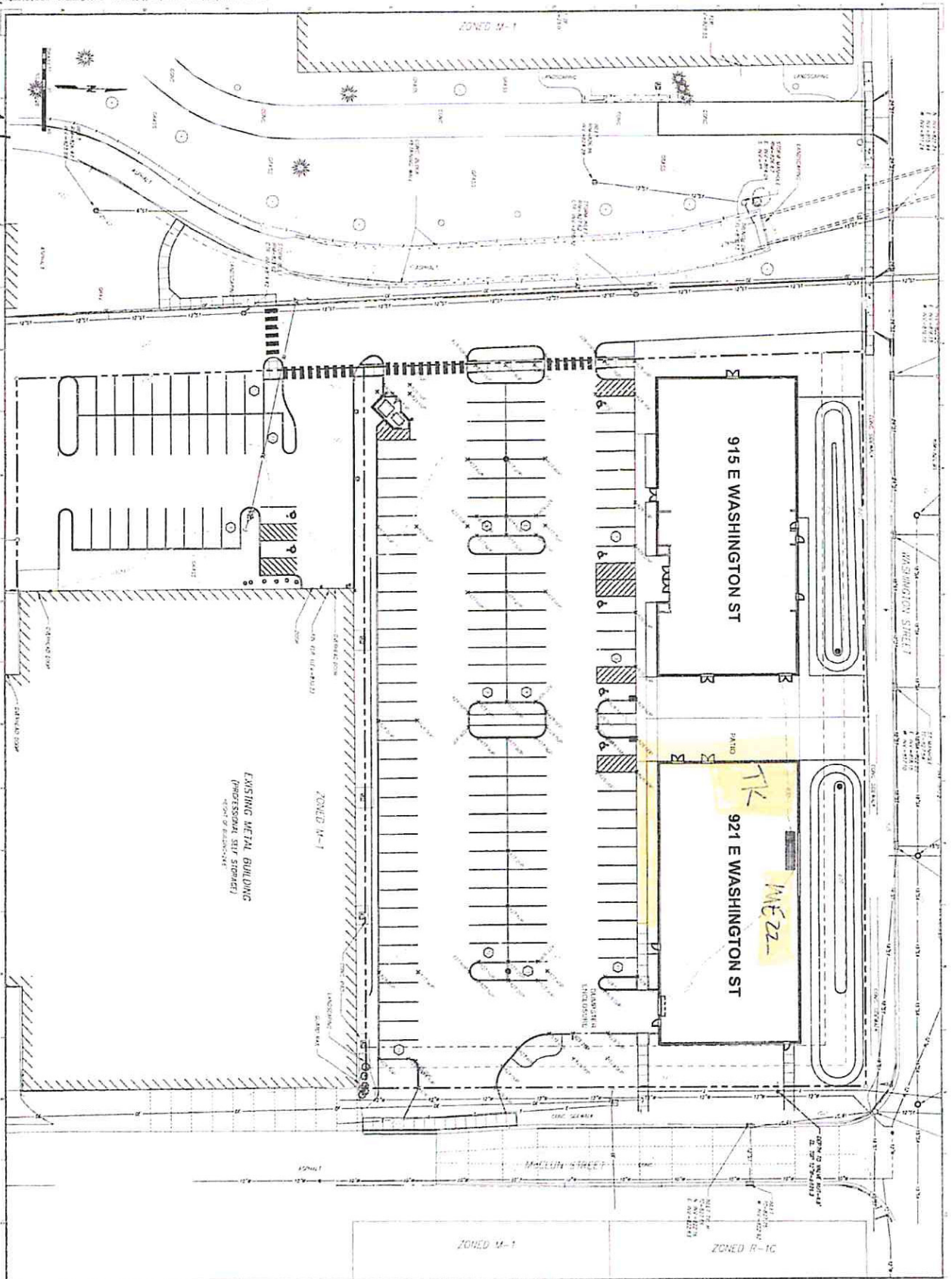
Mboka Mwilambwe, Commissioner



Leslie Smith-Yocum, City Clerk



Applicants
Exhibit A



Farnsworth
GROUP

2000 S. 10th Street, Suite 100
Bismarck, ND 58101
701.223.1111

Project: 915 E Washington St
Client: the Foundry

DESIGN DEVELOPMENT
NOT FOR CONSTRUCTION

the Foundry

the Foundry

915 E Washington St
Bismarck, ND 58101

Date: 4-23-2015

Drawn by: [Name]

Scale: 1" = 20'

Sheet: 1 of 1

EXHIBIT A
SITE PLAN

Project: 915 E Washington St
Client: the Foundry