

MGO 38.05(3)(a)12.

Statement of Intent. The applicant shall sign a statement of intent on a form to be provided by the City Clerk. This statement shall include a provision that the applicant intends to operate under the license within ninety (90) days of its granting by the Common Council and that the license shall be considered surrendered if the license is not issued within ninety (90) days of the granting of the license. This time may be extended by the Common Council when granting the license upon a finding that construction activities will delay the issuance. The applicant shall provide proof of such construction activities upon application. Upon such a finding, the Common Council shall set a time limit for the issuance of such license, and the license shall be considered surrendered if the license is not issued within such time. (Cr. by ORD-16-00072, 8-13-16)

1. The applicant only has a "Letter of Intent to Lease" the property.
2. There is not a statement of intent on Legistar.
3. Alcohol operations will not begin with 90 days. The license will not be used until the anticipated opening date in early spring 2018 – about a year longer than the 90 day limit.
4. The construction of the concert venue has not begun.

From the *Drafter's Analysis* for this ordinance change, this application seems to fall squarely into what the Council was seeking to prevent.

DRAFTER'S ANALYSIS: The amendment requires that an alcohol license must be picked up, paid for and put into use within 90 days of the license being approved by the Common Council. If the applicant fails to accomplish these things, the license is void. The applicant may request a longer time period at the time of application by providing proof to the Common Council that construction timelines will require a later opening date for the licensed establishment. The Common Council can then set a specific date by which these events must occur. This will end the practice of persons applying for licenses when their plans are more aspirational than they are realistic. Recently, a license was granted but was not paid for nor put into operation more than two years after it was approved.

Respectfully Submitted,
Linda Lehnertz