


FILED
Court Administrator

JUL 14 2011

STATE OF MINNESOTA
COUNTY OF RAMSEY

By  Deputy

DISTRICT COURT
SECOND JUDICIAL DISTRICT

Case Type: Civil

In Re the Matter of:

Court File No: 12 CV 11 5203

Prior Lake Rotary Club's
request for Special Event
Food Stand License for
July 16, 2011

**PETITION TO THE
MINNESOTA SPECIAL MASTER**

Respondent.

The Lakefront Jazz & Blues Festival (“Jazz Fest”) is an annual one-day jazz and blues music event to raise money to support the philanthropic missions of the Prior Lake Rotary Club Foundation, a 501(c)(3) non-profit organization which funds local, national and international Rotary projects, and to provide a joyous day of music for the community.

The festival will take place on Saturday, July 16, 2011 from 1 p.m. - 10:30 p.m. The Jazz Fest is held in the family-friendly confines of Lakefront Park, 5000 Kop Parkway, Prior Lake, Mn 55372.

This request to the Minnesota Special Master is being made to allow the Jazz Fest to serve alcohol at the event. To provide alcohol at the event, The Prior Lake Rotary Club has partnered with The Cove, Inc. (“The Cove”), 15750 Highway 13 South, Prior Lake, Minnesota 55372, which is a restaurant and bar located in Prior Lake, Minnesota and a corporation under the laws of the State of Minnesota. The Jazz Fest would be designated a “Community Festival” within the City of Prior Lake, which has been approved by the City of Prior Lake. A copy of this Resolution is attached hereto. The Cove would utilize its liquor license for the Jazz Fest and be

the holder of said liquor license for purposes of dispensing and selling liquor at the Jazz Fest.

The Prior Lake Rotary Club was subsequently made aware that a "Special Event Food Stand" license would be necessary to serve alcohol at the Jazz Fest. The Cove does not possess a special event food stand license.

Minn. Stat. § 157.15 Subd. 14 provides:

"Special event food stand" means a food and beverage service establishment which is used in conjunction with celebrations and special events, and which operates no more than three times annually for no more than ten total days.

An application for a special event food stand license, includes:

Licensing

License applications and fees must be submitted to the appropriate regulatory authority at least 14 days prior to operating a special event food stand. The following information must be included on the license application form:

1. A list of all food and beverages to be served. Please note that the regulatory authority may restrict the type of food served or the method of food preparation based on equipment limitations.
2. Sources of all foods served.
3. A list of all equipment used in the food operation.
4. A description of hand-washing and dish washing facilities.
5. The water source and method of waste disposal.
6. Time period and location of the operation.

Location and Construction of Stand

1. Food stands must be located away from possible contamination sources, such as toilets, garbage, and animal pens.
2. A stand must provide protection during adverse weather by its construction or location. Food activities must cease in adverse weather if the interior of the stand is not adequately protected from the weather, windblown dust and debris.
3. A canopy or other form of overhead protection must be provided.
4. The floor, wall, and ceiling surfaces must be smooth, durable, and easily cleanable. Acceptable floor surfaces include: vinyl, sealed wood, concrete, machine-laid asphalt, and dirt or gravel (only if covered by suitable materials that are effective in controlling dust and mud).
5. Interior lights must be shielded or coated.
6. Food preparation and cooking areas must be protected by an impervious shield or by a separation distance to ensure customer safety and prevent food contamination by customers.
7. In addition to the Minnesota Food Code, other applicable codes may apply. Other requirements include ensuring that gas hook-up and services

comply with the State Mechanical Code (Minnesota Rules, Chapter 1346), electrical services comply with the State Electrical Code (Minnesota Rules, Chapter 1315) and that a fire extinguisher with a minimum 2A 10 B C rating is provided if required by the State Fire Marshal.

Food Source

All foods, beverages and ice must be obtained from an approved source, such as a grocery store or commercial food distributor. Foods can not be prepared at home.

Equipment

1. Mechanical refrigeration is required for potentially hazardous food. For time periods of less than 4 hours, dry ice or frozen freezer packs may be used, as long as food can be maintained at 41oF. or less. Drained ice may be used to cool water-impervious beverage containers.
2. Equipment must be provided for adequately cooking and maintaining required temperatures of hot potentially hazardous foods. Slow cookers are not permitted for this purpose.
3. Accurate temperature measuring devices must be provided in each refrigeration unit or ice chest, and for monitoring internal food temperatures.

Dish washing Facilities

Single service disposable utensils must be provided for eating and drinking purposes. Multi-use utensils may be used for the purpose of preparation, storage, service and dispensing of food. For washing multi-use utensils, a dish washing facility must be available which consists of either an approved dish washing machine, a three compartment sink, or at a minimum three containers of sufficient size to immerse utensils. The four step manual dish washing process includes:

Step 1: Washing utensils in warm water in the first sink or container.

Step 2: Rinsing in clear water in second sink or container.

Step 3: Sanitizing with an approved sanitizer in the third sink or container.

Step 4: Air drying all utensils and equipment. Towel drying is prohibited.

Approved sanitizers include quaternary ammonium, iodine, or chlorine. If bleach is used as a sanitizer, use at least one tablespoon of bleach per gallon of water. Always follow the manufacturer's instructions and provide test strips for measuring sanitizer concentration.

Handwashing Facilities

A hand washing device supplied with warm running water, soap, nailbrush, and paper towels must be provided at all stands where food is prepared. Water can be supplied under pressure or by gravity.

Water Source Water must be obtained from an approved public water supply system. Water can not come from a residential well. Water may be transported and stored in approved cleanable, food-grade covered containers. Hoses used

to obtain water for food preparation or drinking purposes must be of food grade quality and provided with an approved backflow prevention device.

Waste Disposal

1. Waste water must be discharged into an approved sanitary sewer or holding tank. Ground surface discharge is not permitted.
2. Trash and garbage stored for extended periods must be placed in tightly covered, non-absorbent containers.

Insect Control

Provide effective insect control by use of screening, covering, and good sanitation. If insecticides are used, they must be:

1. an approved type,
2. used according to manufacture's directions, and
3. not used when food or utensils are exposed.

Intermittent spray dispensers or vapor strips can not be used.

In response to the aforementioned application questions:

Licensing:

1. beer and wine – Coors, Blue Moon, Mike's Hard Lemonade, BottaBox wine (Chardonnay & Cabernet)
2. Wirtz Distributing
3. N/A
4. No food preparation will be done in the stand. A five gallon container of 100 degree water will be available for handwashing.
5. No water will be used for the sale and distribution of the alcohol. Five gallon container of water for handwashing.
6. Saturday, July 16, 2011 from 12:00 p.m. - 11:15 p.m.

Location and Construction of Stand

1. No food stands. Alcohol stands not near toilets or animal pens. A map of the festival site is attached hereto.
2. Stands are located within constructed tents. In the event of threatening weather, all food services will be suspended.
3. Stands are located within constructed tents.
4. The floor is grass/ground, walls are open and is under a tent/canopy.
5. Lights will be shielded.
6. No food preparation or cooking will be done.
7. The stands comply with all applicable codes. No fire extinguisher is required.

Food Source

1. Alcohol provided by Wirtz Distributing and ice is provided by Arctic Glacier Ice. (no consumable ice is being distributed).

Equipment

1. No food preparation – N/A. Ice is being used to keep beverages cooled.
2. No cooking – N/A
3. No food will be served that requires monitoring

Dishwashing Facilities

1. Only new disposable cups are being used for wine distribution. Thus, no dish washing facilities are needed.

Handwashing Facilities

1. A five gallon container of 100 degree water will be available for handwashing. No food will be prepared.

Waste Disposal

1. Waste water will be collected and disposed of in an approved sanitary sewer.
2. Trash will be stored in garbage bags, will not be stored for extended periods of time, and will be removed once bags are full.

Insect Control

1. No insecticides are needed and none will be used

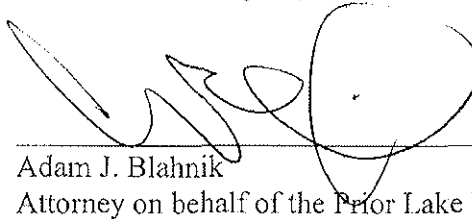
Accordingly, the Prior Lake Rotary Club and The Cove meet all the requirements for a "special event food stand" license as enumerated above. However, as the result of the "State shutdown," the Club is unable to obtain and secure said license.

Alcohol sales for this event generated \$93,300.00 in gross sales for 2010, and represented approximately 90% of the revenues for the day of the event. If the Prior Lake Rotary Club is not allowed to serve alcohol at the 2011 Jazz Fest, the Club will sustain a massive loss from the event, and could easily push the Club into bankruptcy.

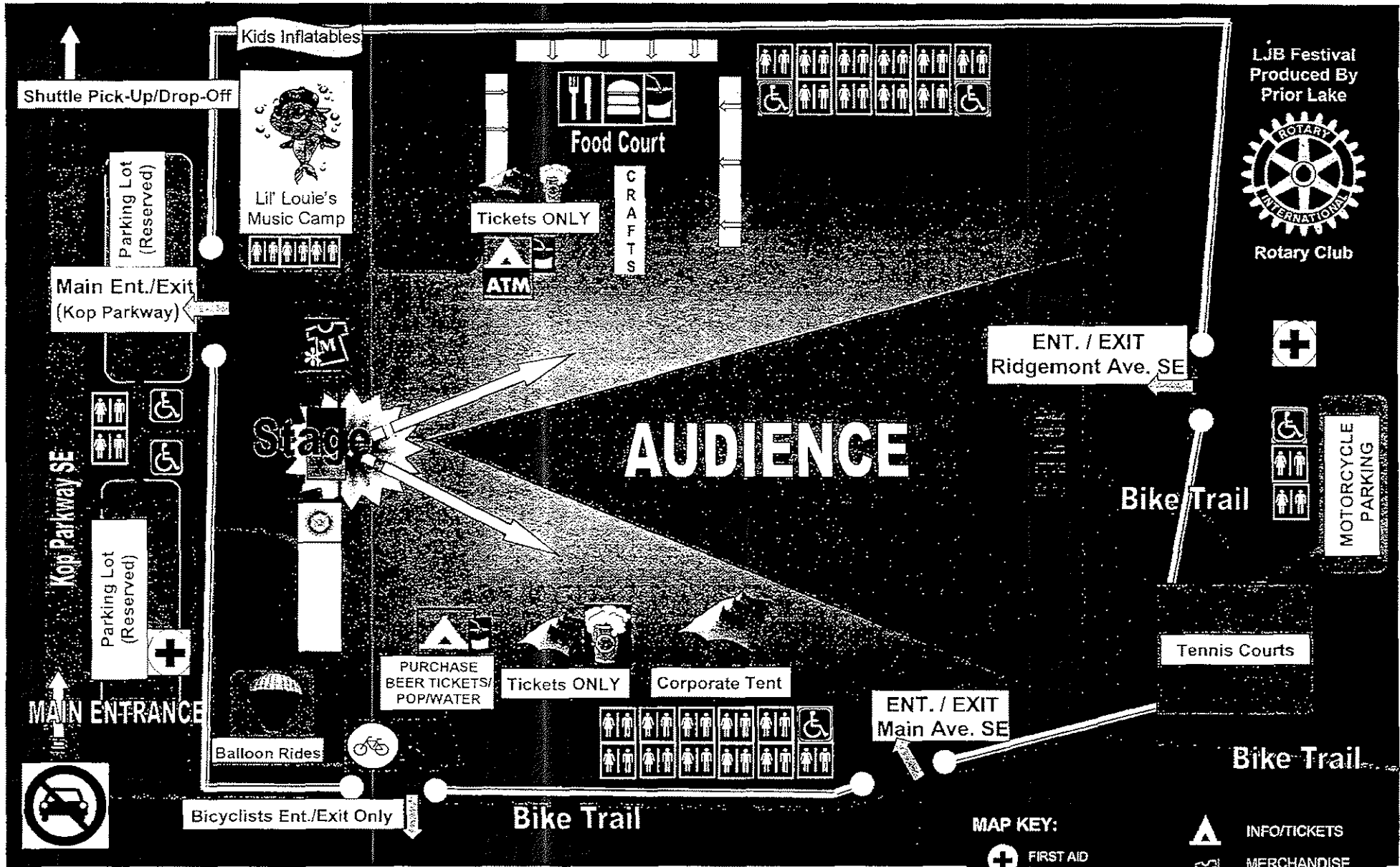
The Prior Lake Rotary Club is a non-profit organization created in 1978, and provides goodwill and a "helping hand" throughout the community and State of Minnesota. The Club donates its funds to various and needy organizations within the community, State, Country and throughout the world. It is hopeful that this event will generate funds to be donated. As indicated herein, if the "Special event food stand" license is not issued, and the Club is not allowed to serve alcohol, the Club will sustain massive loss that will likely not be sustainable by the Club.

Accordingly, request is hereby made, on behalf of the Prior Lake Rotary Club that the Minnesota Special Master issue a "Special event food stand" license to enable the Prior Lake Rotary Club to serve alcoholic beverages at the Jazz Fest on July 16, 2011.

Dated: 7-13-11



Adam J. Blahnik
Attorney on behalf of the Prior Lake Rotary Club



LJB Festival
Produced By
Prior Lake



Rotary Club

MAP KEY:

- INFO/TICKETS
- FIRST AID
- MERCHANDISE TENT
- ROTARY INFORMATION
- BEER TENTS (Tickets ONLY)
- RESTROOMS
- BICYCLE VALET
- FOOD/CRAFT VENDORS
- POP/WATER VENDORS
- ENT./EXIT
- PERIMETER FENCE
- * LOST & FOUND



Lakefront Jazz & Blues Festival

Lakefront Park, 5000 Kop Parkway SE
Prior Lake, MN 55372



NO PETS NO UMBRELLAS NO OUTSIDE FOOD/DRINKS NO COOLERS

****Valid hand stamp required for readmission****



4646 Dakota Street SE
Prior Lake, MN 55372

RESOLUTION 11-081

A RESOLUTION DECLARING THE PRIOR LAKE ROTARY SECOND ANNUAL LAKEFRONT JAZZ AND BLUES FESTIVAL A COMMUNITY FESTIVAL PURSUANT TO M.S. 340A.404 Subd. 4(b)

Motion By: Keeney **Second By:** Hedberg

WHEREAS, The Prior Lake Rotary will conduct its Second Annual Prior Lake Rotary Lakefront Jazz and Blues Festival at Lakefront Park on Saturday, July 16, 2011 from noon to 11 p.m.; and

WHEREAS, The City staff and Rotary have worked closely to plan, organize and manage this event; and

WHEREAS, The City of Prior Lake and the Prior Lake Rotary have entered into an agreement dated July 1, 2011, entitled "Permit for the Temporary Use of Public Park, Athletic Field or Right of Way," which sets forth the management, oversight and cost responsibilities of the parties regarding the Jazz Festival.

NOW THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF PRIOR LAKE, MINNESOTA as follows:

1. The recitals set forth above are incorporated herein.
2. The City Council finds that the Second Annual Rotary Lakefront Jazz and Blues Festival is a community festival.
3. The City Council authorizes the holder of a retail on-sale intoxicating liquor license issued by the City to dispense intoxicating liquor at the Second Annual Rotary Lakefront Jazz and Blues Festival.
4. This authorization is effective only for July 16, 2011 from noon to 11 p.m. at Lakefront Park.
5. Service and consumption of beer and wine is limited to the fenced area in Lakefront Park depicted in Exhibit A which is attached hereto and incorporated herein.
6. All liquor servers shall receive training prior to the event.
7. The holder of the liquor license and the Prior Lake Rotary shall demonstrate they have liability insurance as prescribed by M.S. Section 340A.409 to cover this event.

PASSED AND ADOPTED THIS 12th DAY OF JULY 2011.

| | YES | | NO |
|----------|-----|----------|----|
| Myser | X | Myser | |
| Erickson | X | Erickson | |
| Hedberg | X | Hedberg | |
| Keeney | X | Keeney | |
| Soukup | X | Soukup | |



Frank Boyles, City Manager