

EXTRACT OF MINUTES OF MEETING
OF VILLAGE COUNCIL
VILLAGE OF BROWNSDALE, MINNESOTA
HELD MAY 15, 1961

Pursuant to due call and notice thereof, the Village Council
of the Village of Brownsdale, Minnesota, met in special session on
May 15, 1961, at 7:30 o'clock P.M., at Community Building
in said Village.

The following members were present:

Glen H. Stanton, Darrell R. Buttshaw, Wilbur Dallenbach, Clarence Maas

and the following were absent: William Volkman

Member Wilbur Dallenbach introduced and moved the enactment of
the following ordinance, which was thereupon fully and distinctly read
in words and figures as follows:

ORDINANCE NO. (1961-1)

AN ORDINANCE ESTABLISHING A
MUNICIPAL LIQUOR DISPENSARY

The Village Council of the Village of Brownsdale, Minnesota, do
ordain: Off Sale Liquor Dispensary Establishment.

Section 1. Dispensary Established. There is hereby established
a municipal liquor dispensary for the off-sale of intoxicating
liquor. The sale of intoxicating liquor at retail elsewhere in the
Village, or by anyone not employed in said dispensary, is hereby
prohibited; provided, that the Council shall grant licenses to private
clubs, when required by the provisions of Section 340.11, Subdivision
13, Minnesota Statutes. No person shall consume liquor in a public
park, on a public street, or in any public place other than the
dispensary.

Section 2. Location and Operation.

(A) The dispensary shall be located at such suitable
place in the Village as the Council may have heretofore deter-
mined or shall hereafter determine by motion. However, no
premises upon which taxes or other public levies are delinquent
shall be leased for dispensary purposes.

(B) The dispensary shall be in the immediate charge of a

liquor store manager selected by the Council and paid such compensation as is fixed by the Council. He shall furnish a surety bond to the municipality, conditioned upon the faithful discharge of his duties, in such sum as the Council specified. The bond premium may be paid by the Village or by the manager in the discretion of the Council. The manager shall operate the dispensary under the Council's direction and shall perform such duties in connection with the dispensary as may be imposed upon him by the Council. He shall be responsible to the Council for the conduct of the dispensary in full compliance with this ordinance and with the laws relating to the sale of liquor and beer.

(C) The Council shall also appoint such additional employees as may be required for the dispensary and shall fix their compensation. All employees, including the manager, shall hold their positions at the pleasure of the Council. No minor shall be employed in the dispensary.

Section 3. Dispensary Fund Created.

(A) A Municipal Liquor Dispensary Fund is hereby created, in which all revenues received from the operation of the dispensary shall be deposited and from which all operating expenses shall be paid. Surpluses accumulating in the Dispensary Fund may be transferred to the general fund or to any other appropriate fund of the Village by resolution of the Council and expended for any municipal purpose; provided, that the Village Council may by resolution authorize the issuance of liquor dispensary revenue bonds, payable from the net revenues of said dispensary, for the purpose of providing moneys for construction of building and other capital improvements, and provision of merchandise, equipment, furnishings and working capital necessary for said dispensary, upon such terms as the Council may deem necessary and expedient, and may pledge net revenues of said dispensary, after payment of reasonable and current costs of operation and maintenance and a reasonable stock of merchandise for resale, to the payment of such bonds and interest thereon; and provided further, that the Village Council may make or continue any pledge of net revenues of said dispensary contained in a resolution or resolutions of the Council heretofore or hereafter adopted, to the payment of bonds of the Village issued for any purpose authorized by law, for the payment of which the Village is authorized to pledge such revenues; and provided further, that the council may in and by such resolution or resolutions make on behalf of the Village all such covenants as may be reasonably required for the security of the holders of such bonds, and no moneys in the dispensary Fund shall be transferred or expended except as provided in such resolutions, while any of said bonds shall be outstanding and unpaid.

(B) The procedure prescribed by law shall be followed in the handling of municipal liquor dispensary funds as for receipts and disbursements of Village funds generally.

Section 4. Hours and Conditions of Operation and Restrictions on Consumption.

The dispensary shall at all times be operated in full conformity with the provisions of Chapter 340 of the Minnesota Statutes and acts amendatory thereto and the hours and condition of operation and restrictions contained therein shall be adhered to as though the same were fully set out herein.

Section 5. Repeal. All ordinances and resolutions of The Village in conflict herewith are hereby repealed to the extent of such conflict; provided, that no provision hereof shall affect any ordinance of the Village Licensing and regulating the sale of beer, adopted pursuant to Chapter 116, Session Laws of Minnesota for 1933, and acts amendatory thereof, nor any license granted thereunder;

Section 6. Enforcement and Penalty. It shall be the duty of all police officers and constables of the Village to enforce the provisions of this ordinance and to search premises and seize evidence of law violation and preserve the same as evidence against any person alleged to be violating this ordinance, and to prepare the necessary processes and papers therefor. Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars (\$100) or shall be imprisoned in the Village ~~lockup~~ ^{Jail of County Jail} for not to exceed ninety (90) days, plus the costs of prosecution in either case; provided, also, that any employee of the dispensary wilfully violating any provision hereof or any provision of the laws of Minnesota relating to gambling or the sale intoxicating liquor or beer shall be discharged.

Section 7. Effective Date. This ordinance shall take effect and be in force from and after its passage and publication according to law.

Passed: May 15, 1961

Published: June 20, 1961

Attest: Harrell Buttshaw
Village Clerk

Glen H. Stator
Mayor

The motion for the enactment of the foregoing ordinance was duly seconded by Member Clarence Maas, and upon vote being taken thereon, the following voted in favor thereof: Glen H. Stanton, Darrell R. Buttshaw, Wilbur Dallenbach, Clarence Maas

and the following voted against the same: William Volkman, absent.

whereupon said ordinance was declared duly passed and adopted and was signed by the Mayor, which was attested by the Village Clerk.