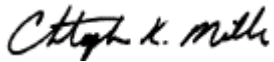


  
**ROSEVILLE**  
**REQUEST FOR COUNCIL ACTION**

Date: 04/06/2015  
Item No.: 12.a

Department Approval



City Manager Approval



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Item Description: Public Hearing to Consider the Transfer of On-Sale and Sunday Intoxicating Liquor Licenses to CSM Hotel Management, LLC (Courtyard by Marriott Roseville)

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1 **BACKGROUND**

2 BRE Timberwolf Property Owner, LLC is in the process of purchasing the hotel property located at  
3 2905 Centre Pointe Drive from CSM CY Roseville, LLC. At the time of closing, BRE Timberwolf  
4 Property Owner, LLC will also enter into a management agreement with CSM Hotel Management,  
5 LLC to carry out the everyday operations of the business, including management and operations of the  
6 bar and restaurant where the sales of liquor will occur. The closing of the sale and commencement of  
7 the management agreement is scheduled to occur on or around May 7, 2015.

8  
9 Under State Statute 340A.412 and City Code Chapter 302.07B, the transfer of the controlling interest of  
10 a licensed location is effectively categorized as a transfer of the existing license; for which City Council  
11 consent is required. The City Code reads as follows:

12  
13 *Person and Premises Licensed; Transfer: Each license shall be issued only to the*  
14 *applicant and for the premises described in the application. No license may be*  
15 *transferred to another person or place without City Council approval. Before a transfer*  
16 *is approved, the transferee shall comply with the requirements for a new application. Any*  
17 *transfer of the controlling interest of a licensee is deemed a transfer of the license.*  
18 *Transfer of a license without prior City Council approval is a ground for revocation of*  
19 *the license. (Ord. 972, 5-13-1985) (Ord. 1390, 3-29-2010)*

20  
21 Specific to City Code, CSM Hotel Management, LLC's application materials are considered complete  
22 and in full compliance with City documentation requirements.

23  
24 Neither State Statute nor City Code limits the number of licenses that can be issued for On-Sale and  
25 Sunday Intoxicating Liquor licenses.

26 **POLICY OBJECTIVE**

27 State Statute and City Code permit the transfer of a liquor license with City Council consent.

28 **FINANCIAL IMPACTS**

29 The revenue that is generated from the license fees is used to offset the cost of police compliance  
30 checks, background investigations, enforcement of liquor laws, and license administration.

31 **STAFF RECOMMENDATION**

32 City Staff recommends that the City Council approve the transfer of the On-Sale and Sunday liquor  
33 licenses from CSM CY Roseville, LLC to CSM Hotel Management, LLC, effective upon the close of  
34 the sale on or around May 7, 2015 and pending upon the successful completion of background  
35 investigations.

36 **REQUESTED COUNCIL ACTION**

37 Motion to approve the transfer of the On-Sale and Sunday liquor licenses to CSM Hotel Management,  
38 LLC for the remainder of the 2015 calendar year, pending successful completion of background  
39 investigations.

40

Prepared by: Chris Miller, Finance Director

Attachments: A: Application from CSM Hotel Management, LLC (Courtyard by Marriott Roseville)



Minnesota Department of Public Safety  
**Alcohol and Gambling Enforcement Division (AGED)**  
 444 Cedar Street, Suite 222, St. Paul, MN 55101-5133  
 Telephone 651-201-7507 Fax 651-297-5259 TTY 651-282-6555

**Certification of an On Sale Liquor License, 3.2% Liquor license, or Sunday Liquor License**

**Cities and Counties:** You are required by law to complete and sign this form to certify the issuance of the following liquor license types:

- 1) City issued on sale intoxicating and Sunday liquor licenses
- 2) City and County issued 3.2% on and off sale malt liquor licenses

Name of City or County Issuing Liquor License Roseville License Period From: 5/7/2015 To: 12/31/2015

Circle One: New License License Transfer CSM CY Roseville, LLC Suspension Revocation Cancel \_\_\_\_\_  
 (former licensee name) (Give dates)

License type: (circle all that apply)  On Sale Intoxicating  Sunday Liquor  3.2% On sale  3.2% Off Sale

Fee(s): On Sale License fee: \$ 1,200.00 (includes on sale and sunday) Sunday License fee: \$ \_\_\_\_\_ 3.2% On Sale fee: \$ \_\_\_\_\_ 3.2% Off Sale fee: \$ \_\_\_\_\_

Licensee Name: CSM Hotel Management, L.L.C. DOB N/A Social Security # N/A  
 (corporation, partnership, LLC, or Individual)

Business Trade Name Courtyard by Marriott Business Address 2905 Centre Pointe Drive City Roseville  
Roseville

Zip Code 55113 County Ramsey Business Phone 651-746-8000 Home Phone N/A

Home Address N/A City N/A Licensee's MN Tax ID # \_\_\_\_\_  
 (To Apply call 651-296-6181)

Licensee's Federal Tax ID # 41-1816815  
 (To apply call IRS 800-829-4933)

If above named licensee is a corporation, partnership, or LLC, complete the following for each partner/officer:

<u>Gary Sheldon Holmes</u>		<u>450 S. Ferndale, Wayzata MN</u>
Partner/Officer Name (First Middle Last)	Social Security #	Home Address <u>55391</u>
<u>Eugene Michael Bowar</u>		<u>11 White Pine LN, Birchwood Village, MN</u>
(Partner/Officer Name (First Middle Last)	Social Security #	Home Address <u>55110</u>
<u>Steven Louis Schlundt</u>		<u>5804 Bryant Lane, Inver Grove Heights</u>
Partner/Officer Name (First Middle Last)	Social Security #	<u>MN 55076</u> Home Address

Intoxicating liquor licensees must attach a certificate of Liquor Liability Insurance to this form. The insurance certificate must contain all of the following:

- 1) Show the exact licensee name (corporation, partnership, LLC, etc) and business address as shown on the license.
- 2) Cover completely the license period set by the local city or county licensing authority as shown on the license.

Circle One: (Yes  No) During the past year has a summons been issued to the licensee under the Civil Liquor Liability Law?

Workers Compensation Insurance is also required by all licensees: Please complete the following:

Workers Compensation Insurance Company Name: Liberty Mutual Policy # \_\_\_\_\_

I Certify that this license(s) has been approved in an official meeting by the governing body of the city or county.

City Clerk or County Auditor Signature \_\_\_\_\_ Date \_\_\_\_\_  
 (title)

**On Sale Intoxicating liquor licensees must also purchase a \$20 Retailer Buyers Card. To obtain the application for the Buyers Card, please call 651-201-7504, or visit our website at [www.dps.state.mn.us](http://www.dps.state.mn.us).**

## City of Roseville, Minnesota

### Application for On Sale and Sunday Intoxicating Liquor License

1. Name of Applicant (Name of individual, partnership, corporation or association):

CSM Hotel Management, L.L.C.

2. Name and address under which applicant will be doing business:

Full Legal Name CSM Hotel Management, L.L.C.

DBA Name Courtyard by Marriott Roseville

Business Address 2905 Centre Pointe Drive, Roseville, MN 55113

Business Telephone (651-) 746-8000

3. Type of Applicant:

           Individual            Partnership            Corporation   X   L.L.C.

4. Type of license applicant seeks:   X   On Sale   X   Sunday

5. State the legal description of the premises to be licensed:

See Attachment A

6. How is the property classified under the Roseville Zoning Ordinance?

The site has a Comprehensive Land Use Plan designated at Business Park, and  
the zoning designation is "Planned Unit Development (PUD)"

7. Where the building is owned by other than applicant give legal name, business address and phone number of owner(s):

1. Legal Name BRE Timberwolf Property Owner, LLC

Business Address 345 Park Avenue, 42nd Floor New York, NY 10154

Business Telephone 212-390-2793

2. Legal Name \_\_\_\_\_

Business Address \_\_\_\_\_

Business Telephone \_\_\_\_\_

8. State the amount of investment the applicant has in the business premise, fixtures, furniture, stocks in trade, etc. and attach supporting proof of the source of such money.

Applicant has no investment because we are the management agent.

9. Provide full name, address, telephone number and the nature of interest of all persons, other than applicant, who have any financial interest in the business, buildings, fixtures, furniture, or stock in trade. (This shall include, but not limited to, any lessees, mortgages, lenders, lien holders or any persons who have loaned, pledged or extended security for any indebtedness of the applicant).

BRE Timberwolf Property Owner, L.L.C. - Owner

345 Park Avenue, 42nd Floor, New York, NY 10154

212-390-2793

10. Attach lease agreement. (if applicable) See attached Draft Management Agreement - to be finalized post closing and can be provided post closing if necessary.
11. Submit a plat plan of the area showing dimensions, location of building, street access, parking facilities and the locations of and distances to the nearest state institutions including, but not limited to, educational buildings, fair grounds, and correctional buildings. The plan must also show number of persons intended to be served in the dining rooms, and indicate and identify all other rooms and areas where intoxicating liquor is to be sold and consumed. See Attached Plans

12. List all additional permits that have been applied for either on the Federal or State level for this premise:

See Attachment B

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**If applicant is an individual skip to Personal Information Page**

**If applicant is a partnership:**

1. Attach a true copy of the partnership agreement and a copy of the certificate of trade name under provisions of Chapter 333, Minnesota Statutes, certified by the Clerk of District Court.

2. List Legal name and percent of interest for each partner

Full Legal name \_\_\_\_\_ Interest \_\_\_\_\_ %

Full Legal name \_\_\_\_\_ Interest \_\_\_\_\_ %

Full Legal name \_\_\_\_\_ Interest \_\_\_\_\_ %

Full Legal name \_\_\_\_\_ Interest \_\_\_\_\_ %

3. Skip to Personal Information Page.

**If applicant is a corporation or association:**

1. State the Legal name of the corporation or association, corporate office address and telephone number, branch address and telephone number.

Name CSM Hotel Management, L.L.C.

State of Incorporation or Association Delaware

Corporate Address 500 Washington Avenue South, Suite 3000, Minneapolis, MN 55415

Corporate Phone Number 612-395-7000

Branch Address N/A

Branch phone number N/A

2. Attach a true copy of the Articles of Incorporation or Association Agreement.

See attached Operating Agreement and Certificate of Formation

3. List the legal names, position and percent of interest of all officers of said corporation or association.

Full Legal Name See Attachment C

Position \_\_\_\_\_ Interest \_\_\_\_\_ %

Full Legal Name \_\_\_\_\_

Position \_\_\_\_\_ Interest \_\_\_\_\_ %

Full Legal Name \_\_\_\_\_

Position \_\_\_\_\_ Interest \_\_\_\_\_ %

Full Legal Name \_\_\_\_\_

Position \_\_\_\_\_ Interest \_\_\_\_\_ %

4. Fill out Personal Information Page

ATTACHMENT A

EXHIBIT A

**The Property**

That part of Lot 4, Block 1, CENTRE POINTE BUSINESS PARK, according to the recorded plat thereof, Ramsey County, Minnesota, lying Southerly and Southwesterly of a line described as follows: Commencing at the Northwest corner of said Lot 4; thence South 00 degrees 00 minutes 00 seconds West, assumed bearing, along the West line of said Lot 4, a distance of 89.34 feet to the beginning of the line to be described; thence North 90 degrees 00 minutes 00 seconds East a distance of 188.87 feet; thence South 45 degrees 00 minutes 00 seconds East a distance of 99.58 feet to the Easterly line of said Lot 4 and said line there terminating.

ALSO

That part of Lot 5, Block 1, CENTRE POINTE BUSINESS PARK, according to the recorded plat thereof, Ramsey County, Minnesota, lying Northerly of a line described as follows: Commencing at the most Northerly Northwest corner of said Lot 5; thence South 00 degrees 00 minutes 00 seconds West, assumed bearing, along a West line of said Lot 5, a distance of 46.92 feet to the beginning of the line to be described; thence North 90 degrees 00 minutes 00 seconds East a distance of 265.37 feet to the Northeasterly line of said Lot 5 and said line there terminating.

Together with the appurtenant easements for vehicular ingress and egress and common storm sewer purposes contained in that certain Declaration of Common Driveway Easement dated June 3, 1998, filed July 10, 1998, as Document No. 3070448, as amended by Amendment to Declaration of Common Driveway Easement dated February 18, 2000, filed March 10, 2000, as Document No. 3311600.



Attachment B

Additional Licenses that will be applied for  
For Courtyard Roseville

<b>License Type</b>	<b>License Agency</b>
Elevator Operating Permit	State of Minnesota Department of Labor and Industry
Caterer's Permit	Minnesota Department of Public Safety, Alcohol and Gambling Enforcement
Class A Food Service	St. Paul Ramsey County Department of Public Health, Environmental Health Section
Lodging 4	St. Paul Ramsey County Department of Public Health, Environmental Health Section
Retailer's (Buyer's) Card for Liquor and Wine	Department of Public Safety Alcohol and Gambling Enforcement Division
Indoor Swimming Pool – Primary and Secondary	St. Paul Ramsey County Department of Public Health, Environmental Health Section
Statewide Hospitality Fee	Minnesota Department of Health, Environmental Health Division

Attachment C

LICENSED BUSINESS: Courtyard by Marriott, 2905 Centre Pointe Drive, Roseville, MN  
Phone: 651-746-8000

CSM HOTEL MANGEMENT, L.L.C., a Delaware limited liability company

Managers of CSM Hotel Management, L.L.C.:

Gary S. Holmes  
Eugene M. Bowar  
Steven L. Schlundt

Name:	Residence:	Phone:	Date of Birth:
Gary S. Holmes			
Eugene M. Bowar			
Steven L. Schlundt			

Sole member of CSM HOTEL MANAGEMENT, L.L.C.:

CSM Lodging Services Incorporated, a Minnesota corporation  
500 Washington Avenue South, Suite 3000, Minneapolis, MN 55415

Sole Member of CSM Lodging Services Incorporated:


100% Gary S. Holmes, as Trustee of the Gary S. Holmes Revocable Trust u/a dated  
Nov. 9, 1995, as amended

STATE of DELAWARE  
LIMITED LIABILITY COMPANY  
CERTIFICATE OF FORMATION  
OF  
CSM HOTEL MANAGEMENT, L.L.C.

- First:** The name of the limited liability company is CSM HOTEL MANAGEMENT, L.L.C.
- Second:** The address of its registered office in the State of Delaware is 3500 South Dupont Highway, in the City of Dover, DE 19901 (County of Kent). The name of its Registered Agent at such address is Incorporating Services, Ltd.
- Third:** The purpose for which the limited liability company is organized:

The Company shall have unlimited power to engage in and do any lawful act concerning any or all lawful businesses for which limited liability companies may be organized according to the laws of the State of Delaware, excluding banking, including all powers and purposes now and hereafter permitted by law to a limited liability company.

In Witness Whereof, the undersigned has executed this Certificate of Formation this 22<sup>nd</sup> day of April, 2014.

By:   
Authorized Person  
Name: Eugene M. Bowar