

WET OR DRY? DEEPHAVEN'S COLORFUL AND CONFLICTING HISTORY ON THE SALE OF INTOXICATING LIQUOR

On June 7, 2010, the Deephaven City Council received a request from Eduard D'ignoti and Mario Alessi to consider amending the City's liquor control ordinance to permit the sale of a Combination On-Sale Beer License and On-Sale Wine License. Eduardo D'ignoti and Mario Alessi would like to open a family oriented restaurant that features Italian cuisine and imported wine at the former LMCD offices on Minnetonka Blvd.

For as many years as anyone can remember, the City's current liquor control ordinance only permits the sale of 3.2 beer, giving strong credence to the fact that the City was indeed a dry community, prohibited from issuing any licenses for the sale of intoxicating liquor. However, the final determination as to whether the City of Deephaven is officially a dry or wet community depends on what action had been taken by the Deephaven City Council following the end of Prohibition.

The first liquor control ordinance was adopted in February 1934, shortly after the end of prohibition. Staff found a reference in a 1952 ordinance to an amendment that took place in March 1939, which effectively removed the sale of intoxicating liquor from the liquor control ordinance. There are no other City records to confirm this since the available records begin in 1948. All licenses from 1948 to the present issued by the Council refer to the sale of 3.2 beer licenses with no mention of intoxicating liquor.

Beginning in 1952, the record becomes clearer. The city held a local option election in 1952 in which the citizens voted 281 to 270 in favor of the issuance of intoxicating liquor licenses. This vote was reversed at subsequent local option election held in 1954, in which the citizens voted 229 to 149 against the sale of intoxicating liquor.

However, the story does not end in 1954 as yet another local option election was held in 1957 in which the residents again supported the sale of intoxicating liquor by a 296 to 275 vote. Apparently, not tiring of the issue, a fourth and final local option election was held the following year in 1958 in which the residents voted 715 to 550 against the sale of intoxicating liquor. The records do not indicate that a further vote was held on the issue. Therefore, Deephaven is officially considered a dry community and can not currently permit the sale of intoxicating liquor, which would include the sale of wine greater than 14% alcohol.

Since the voters voted against the issuance of intoxicating liquor licenses in 1958, under Minnesota Statutes the City must hold a referendum on the question, and the voters must vote in favor of the issuance of such licenses in order for the City to be authorized to issue intoxicating liquor licenses.

There are two ways in which local option election under Minnesota Statutes, Section 340A.416 may be held. First, if a petition requesting such an election is submitted to the City signed by thirty percent (30%) of the persons voting in the last City election or 200 registered voters in the City, whichever is less, the City is required to place the question of the issuance of intoxicating liquor licenses before the voters of the City. Second, without the receipt of such a petition, the City Council on its own motion may order such an election under Minnesota Statutes, Section 205.10.

On August 16, 2010, Eduard D'ignoti and Mario Alessi submitted a petition to the Deephaven City Council with the signatures of over 200 registered voters in Deephaven requesting that the following two questions regarding the issuance of intoxicating liquor licenses be placed on the ballot.

CITY BALLOT QUESTION 1
QUESTION OF ISSUANCE OF INTOXICATING LIQUOR LICENSES

Shall the City of Deephaven be authorized to issue intoxicating liquor licenses?

- YES
- NO

CITY BALLOT QUESTION 2
QUESTION OF ISSUANCE OF SUNDAY INTOXICATING LIQUOR LICENSES

Shall the City of Deephaven be authorized to issue licenses for the sale of intoxicating liquor on Sunday?

- YES
- NO

Just like our residents did 52 years ago, Deephaven residents will have the opportunity to vote on whether to permit the City of Deephaven to issue intoxicating liquor licenses and to issue licenses for the sale of intoxicating liquor on Sunday at the November 2, 2010 General Election.