

LICENSE HEARING MINUTES
Nice Guys LLC, dba Chances Tavern, 1080 Payne Ave
Monday, October 3, 10:00 AM
Room 330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

The hearing was called to order at 10:02 AM

Staff Present: Ross Haddow, Department of Safety and Inspections (DSI)

Licensee: Mr. Scott Hanlon, Applicant/Co-owner, Mr. Aaron Jost, Applicant/Co-owner, Thomas LaFleche, Applicant/Co-owner

License Application: Liquor On Sale - 100 seats or less, Liquor On Sale - Sunday, and Gambling Location licenses

Legislative Hearing Officer Nhia Vang made introductory comments about the hearing process: This is an informal legislative hearing for a license application. This license application required a Class N notification to inform neighbors and the District Council about the application and provide them with an opportunity to submit comments. The City received correspondence of concern/objection, which triggered this hearing.

The hearing will proceed as follows: DSI staff will explain their review of the application, and state their recommendation. The applicant will be asked to discuss their business plan. Members of the community will be invited to testify as to whether they object to or support the license application. At the end of the hearing, the Legislative Hearing Officer will develop a recommendation for the City Council to consider. The recommendation will come before the City Council as a resolution on the Consent Agenda; the City Council is the final authority on whether the license is approved or denied.

There are three possible results from this hearing: 1) a recommendation that the City Council issue this license without any conditions; 2) a recommendation that the City Council issue this license with agreed upon conditions; or 3) a recommendation that the City Council not issue this license but refer it to the city attorney's office to take an adverse action on the application, which could involve review by an administrative law judge.

Ms. Vang noted that the City Council had passed a resolution on September 7, 2022, granting a 45-day waiver of the notification requirement, since the application had received district council support. She said since the license had been approved by the City Council per RES 22-1380, the only thing left for her to review was whether addition of imposition of condition(s) was warranted.

Minutes:

Ross Haddow, Department of Safety and Inspections (DSI) gave a staff report for licensee Nice Guys LLC, (License ID# 20220000957), d/b/a Chances Tavern, located at 1080 Payne Ave. The

application is for Liquor On Sale - 100 seats or less, Liquor On Sale - Sunday, and Gambling Location licenses. DSI is recommending approval without conditions.

Neighborhood Organization Recommendation, the Payne-Phalen Community Council submitted a letter of support including support for waiving the notification waiting period. Building conditions, N/A; License approved; and Zoning approved.

Mr. Haddow added that the license was issued on September 30, 2022, after approval by the City Council on September 7, 2022, which included a waiver of the notification waiting period.

Ms. Vang asked Mr. Haddow if this was for a change in ownership of the business. Mr. Haddow said that it is.

Ms. Vang asked the applicants/co-owners to talk about the business: history, hours of operation, number of employees, etc.

Mr. Jost: I have been in the bar business for about 15 years, and the opportunity came along to clean up this property. We have all been in the bar business for quite a while. For renovations, we added some tables where there used to just be rail seating. There will be about 8 tables. The max capacity from the fire certificate is 60, and we have about 50 chairs. Our front door faces Payne Ave. Another door is in the rear out to the attached parking lot.

Ms. Vang asked for details on the parking lot.

Mr. LaFleche: The parking lot is owned by us, and the size is about 40ft by 120ft. Our lot goes right to the alley. We own both the building and the parking lot.

Mr. Jost: There is a parking lot next to the building that is not ours. There is no direct entrance to the parking lot from the building. Instead, they have an easement to the side of the building for patrons to access the parking lot. There are two entries to the bar through the front door and back door from the parking lot.

Ms. Vang asked how staff will monitor access.

Mr. Jost: We will let people seat themselves but greet everyone who comes in. The place is small enough for staff behind the bar to see both entrances.

Ms. Vang asked about staffing.

Mr. Jost: Mr. Hanlon and I will be day-to-day operators. We do not plan to hire additional staff until the need arises if business picks up.

Ms. Vang asked about food service.

Mr. Jost: No cooking will be done in the kitchen. We plan on getting a food truck and have approval of the plan review from the Minnesota Department of Health. This will allow us to serve food in a smaller space.

Ms. Vang asked about the food truck location when winter comes with snow.

Mr. Jost confirmed the food truck will be permanently located in the parking lot. Zoning is reviewing to allow this access.

Mr. LaFleche: Staff will bring food in from outside to serve to the customers. There will not be a slip or ice risk to patrons.

Mr. Jost added that this is easier for the patrons and cuts down on foot traffic.

Ms. Vang asked what type of food will be served.

The applicants said there would be pizzas, burgers, sandwiches, wings, and cheese curds. Idea is for a from-scratch dive bar menu.

Ms. Vang asked about hours.

Mr. Jost: We plan to be open 11am – midnight every day of the week.

Ms. Vang asked about lawful gambling.

Mr. Hanlon: We will be doing pull tabs and e-pull tabs and have experience doing this from our past experiences.

Mr. Jost: The location of the pull tab machine is at the end of the bar against the wall, and the e-pull tabs will be held behind the bar. Our charitable partner will be the same as under previous owner, American Veterans; however, we are looking for a more local organization to partner with.

Ms. Vang asked for contact info for the gambling manager and asked about staff training.

Mr. Jost: We will send you the info for the gambling manager after the meeting. They will also be coming out to train us, and two of us already have operated pull tab machines before. The machine will be on when the bar is open and closed when the bar is closed. We also know how to turn on and turn off the machine.

With no public members in attendance to testify, Ms. Vang next referred to the letter submitted from:

Paolee Vang (objector), 1079 Payne Avenue

Ms. Vang acknowledged that the letters from Mr. Paolee Vang have several different spellings, stated that Mr. Vang indicated that he was unable to attend, and read from the objection letters. The two letters dated September 9 and September 30, 2022, voiced concerns over potential damage to property, parking, crime, and vehicle accidents.

Ms. Vang gave the applicants the opportunity to respond.

Mr. Jost: We understood the relationship between the previous ownership and the neighbors to be good, so we were surprised by the objection. We do understand that the parking can be confusing and can easily post signage to denote where our parking lot is, since the lot next to us is not ours. We also want to be more of a restaurant than just a bar. We didn't want to make a problem establishment, and that was why we wanted to add food.

Mr. Hanlon: We intend to run the building more responsibly, including a lit parking lot to avoid late-night gatherings.

Mr. LaFleche: I also own Brunson's nearby and all three of us want to be good neighbors.

Ms. Vang encouraged the co-owners to reach out to the objector to have a conversation. Next asked about lighting and parking lot signage.

Mr. Jost: We will put some signs up to clearly identify where patron can park using their lot. The parking lot next to the building already has signs which will help our patrons not use the neighbor's parking lot. We will have 8-10 spots, maybe 6 with the snow and the food truck placement.

Ms. Vang: Who plows the parking lot for snow?

Mr. Jost: We have someone in the neighborhood who keeps our lot plowed. We will also pick up trash, including if there is any in the lot that isn't ours, just to maintain a good appearance.

Ms. Vang asked about trash bin location and pickup.

Mr. Jost: The garbage bins are completely on our property for both trash and recycling. They used to not entirely be on the bar's property and now they are entirely on ours. It will be picked up weekly, and we would do more pickup if need be.

Mr. LaFleche: Pickup is around 9am.

Mr. Jost: We want to get our trash out earlier in the night so as not to make late-night noise. We might leave some items until the next day just to avoid loud glass bottles being thrown away late at night.

Mr. Hanlon: We did introduce ourselves to the neighbor behind us who would be most affected by the trash and noise concerns.

Mr. Jost: They would also be affected by the food truck, and they are excited about it. The truck plugs into the building so there won't be a loud generator running.

Ms. Vang asked about lighting.

Mr. Hanlon: There is currently only one floodlight, and we do plan to put some lighting for safety and for the food truck.

Mr. Jost: Lighting will be in the front and the back. The parking lot we don't own is already lit well by its owner.

Mr. LaFleche: There is a pole in the back where we plan on putting a couple lights.

Mr. Jost: We will also be goose neck lighting pointing downwards and away from the neighbors to not bother them.

Ms. Vang referred to the complaints in the STAMP report over the past five years. Only complaint is graffiti from 2018.

Mr. Jost: There wasn't any graffiti when we bought the building, and we will have some paint in case we get any graffiti.

Ms. Vang asked Mr. Haddow if there was any adverse action previously taken by the city for the establishment. Mr. Haddow said no. In the past year, the police call log notes two disturbances and assault, but nothing that ties them to the establishment. Mr. Haddow confirmed that all other necessary requirements indicated in the notice letter have been resolved. Zoning still needs to sign off on the food truck but that is separate from this license.

Mr. Jost: Our food truck, technically a trailer, is designed to be permanent.

Mr. Haddow: This is a fairly new concept that emerged during the pandemic. DSI staff has been studying the use of these trailers in the absence of a kitchen. This is one of the first businesses to use this model in Saint Paul.

Ms. Vang asked about staff training for liquor safety.

Mr. Jost: We are very well versed in how to serve liquor responsibly and are committed to continued trainings to make sure we are serving responsibly.

Ms. Vang stated that after reviewing the records and testimonies from all parties, she will recommend to the City Council that they approve the license without conditions.

The hearing adjourned at 10:52 AM