

LICENSE HEARING MINUTES
SuperAmerica #4420, 1125 7th Street West
Thursday, January 13, 2011, 2:00 p.m.
330 City Hall, 15 Kellogg Boulevard West
Marcia Moermond, Legislative Hearing Officer

The hearing was called to order at 2:10 p.m.

Staff Present: Kris Schweinler, Department of Safety and Inspections (DSI)

Applicant: Lesley Zaun, attorney, Faegre & Benson; and Matt Skobrak, District Manager, representing Northern Tier Retail LLC, owner

SuperAmerica #4421: Gas Station, Malt Off Sale, Cigarette/Tobacco, Restaurant (1) – No Seats, and Retail Food (C) – Grocery 1001-3000 sq. ft.

Ms. Moermond stated that this was an informal legislative hearing for a license application. This particular license required a Class N notification which means the neighborhood was notified and people had the chance to voice their concerns. The City received three letters of concern. There were three possible results from this hearing: 1) she may recommend that the City Council issue this license without any conditions; 2) she may recommend that the City Council issue this license with agreed upon conditions; or 3) she may recommend that the City Council not issue this license but refer it to the city attorney to take an adverse action on the application, which could involve review by an administrative law judge. The applicant will be required to sign a Conditions Affidavit demonstrating the understanding of the conditions.

Ms. Schweinler stated that this store never had a malt off sale license in the past and the neighborhood concerns were regarding the sale of 3.2 beer at this location. The following were the standard conditions proposed for all malt off sale licenses and were the conditions being proposed for this store:

1. 3.2 Beer and beer products cannot be sold by the individual bottle or can.
2. The sale of 40 ounce bottles and/or cans of beer is not permitted. The sale of beer in containers of this or similar sizes is considered to be the sale of beer by the individual bottle or can.
3. The sale of wine and/or strong beer is not permitted with a Malt Off Sale license.

Ms. Moermond reviewed the letters of opposition received from the following: 1) separate letters from Andrew Hine and Becca Hine, 757 Armstrong Avenue, concerning the sale of alcohol and the likelihood of increased crime, litter, and behavioral issues as a result; and 2) Lorri Steffen, Steffen Zenner Properties on View Street, concerning the sale of alcohol and the possibility of additional crime. Neighbors requested the Malt Off Sale license be denied; said letters are attached and made a part of this record.

Ms. Zaun stated that most of her clients' stores did sell 3.2 beer and this license was added to the license application for this location. She suggested the same language be used as was proposed for the license conditions for the store at 970 University Avenue West. Ms. Schweinler agreed to submit the proposed language on the conditions for approval.

Mr. Skobrak addressed the issue of trash/litter on the property and said he would remind the manager to keep the lot and sidewalks clean. He said that the store employees were not, however, responsible for picking up trash throughout the neighborhood. He acknowledged that there had been problems with people going through the trash in the dumpsters to sort out recyclables and as a result, lock bars had been put on the dumpsters to keep people out.

After reviewing the records, Ms. Moermond stated that she will recommend to the City Council that they approve the license with the conditions proposed by DSI.

The hearing adjourned at 2:30 p.m.

After the hearing, Ms. Schweinler submitted the following conditions which had been agreed upon at the hearing:

1. 3.2 Beer and beer products that are originally packaged with the intent to be sold together in multiples cannot be separated and sold by the individual bottle or can. Only 3.2 beer and beer products that are purchased from a licensed distributor, and are intended to be sold by the individual bottle and/or can, may be sold as an individual bottle and/or can.
2. The sale of 40 ounce bottles and/or cans of beer is not permitted.
3. The sale of wine and/or strong beer is not permitted with a Malt Off Sale license.

The Conditions Affidavit was submitted on January 19, 2011.

Submitted by:
Vicki Sheffer