

LICENSE HEARING MINUTES
Brunson's Pub, 956 Payne Ave
Monday, December 12 10:00 AM
Room 330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

The hearing was called to order at 10:00 AM

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

Licensee: Thomas LaFleche, Applicant/Owner

License Application: Add a Gambling Location license to the existing Liquor On Sale - 101-180 seats, Liquor On Sale - Sunday, and Liquor Outdoor Service Area (Patio) 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.

Minutes:

Ross Haddow, Department of Safety and Inspections (DSI) gave a staff report for licensee Revelry LLC (License ID# 20160002909), d/b/a Brunson's Pub, located at 956 Payne Ave. The application is to add a Gambling Location license to the existing Liquor On Sale - 101-180 seats, Liquor On Sale - Sunday, and Liquor Outdoor Service Area (Patio) licenses. There are six existing license conditions:

1. Licensee agrees to operate the establishment in compliance with Section 409.02 of the City of Saint Paul Legislative Code as a "Restaurant".
2. Licensee agrees to close the establishment at 12:00 a.m. midnight. All patron/customers shall vacate the premises by 12:30 a.m. each day of the week as per City Zoning Code (parking requirement) and Section 409.02 of the City of Saint Paul Legislative Code.

3. Per Minnesota building code requirements, licensee agrees that a recorded easement over the adjoining property at 946 Payne Ave (specifically Lot 14, Blk 24 Joseph R. Weide's Subd. of Arlington Hills Addn. to Saint Paul) shall be maintained to provide public egress from the rear of the licensed establishment. Failure to maintain code-compliant rear egress via a recorded easement will result in the immediate commencement of adverse action against all licenses held by licensee for the property at 956 Payne Ave.
4. The license holder shall maintain video surveillance cameras inside and outside the establishment. The video recordings shall be kept by the license holder for at least thirty (30) days and shall be available for viewing by the Saint Paul Police Department (SPPD) immediately upon request. In addition, if the SPPD responds to a call at the licensed premises, and due to the crime, requests that a copy of the surveillance footage be immediately provided, the license holder shall have technology available to make the copy at the time of the request and shall have it for the police without delay. In other cases, if the SPPD or the Department of Safety and Inspections (DSI) requests copies of the surveillance tapes, licensee shall have a 48-hour period in which to provide such copies.
5. The licensee agrees to have the number of cameras, their placement, the recording quality, and lighting supporting the video surveillance system reviewed by the SPPD. Video surveillance equipment (i.e., cameras, recording equipment, lighting, etc.) installation and/or modification(s) shall be completed in accordance with SPPD recommendations prior to the issuance of the license, and maintained in compliance with SPPD recommendations thereafter.
6. License acknowledges that no entertainment may be provided unless prior written authorization from the Department of Safety and Inspections (DSI), and the required City license is first obtained.

DSI is recommending approval with no additional license conditions.

The District 5 - Payne-Phalen Community Council submitted an email of support. Building conditions N/A; License approved with conditions; and Zoning approved.

Ms. Vang asked Mr. Haddow to give a background on conditions 4 and 5, related to cameras, and asked whether DSI staff or other city staff can ask for videos because SPPD were the only agency mentioned.

Mr. Haddow: There was some new camera language that has been added to all new liquor licenses going forward roughly 2 to 3 years ago. This is older than that though. There were some issues in that area, so there was a push from St Paul Police and DSI for this language. Despite the absent language for DSI and other city agency, these conditions would still apply if requests were made.

Ms. Vang asked Mr. LaFleche if he understood the conditions and had any questions. Mr. LaFleche stated that he understood and had no questions.

Ms. Vang asked the applicant for details on the Gambling Location license.

Mr. LaFleche: Merrick Community Services, a local charity, approached me and asked if we wanted to be the first organization to do pull tabs with them. They have been around for over 100

years and do work to help families with hunger and other things. We’ve supported them since we opened in 2017 also.

Ms. Vang asked where in the process of getting approval from the gambling control board they are.

Mr. LaFleche: One of their employees has been doing the paperwork and I believe she has submitted their application for charitable gambling.

Ms. Vang asked about the types of pull tabs.

Mr. LaFleche: There will be electronic and paper pull tabs.

Ms. Vang asked about the location for the pull tabs.

Mr. LaFleche pointed to the locations of the pull tabs on a handout he provided (attached).

Ms. Vang asked if patrons could take the games and play elsewhere around the property.

Mr. LaFleche: There’s nowhere else to go, and I think the law says they must play there in view of the bar.

Ms. Vang asked about hours.

Mr. LaFleche: We are open every day from 11am – 11pm and stay open until midnight on Friday and weekends.

Ms. Vang asked about training for staff on the pull tabs.

Mr. LaFleche: There will be training for staff. I am also the manager on staff, so I am there every day.

Ms. Vang then read into the record the letter of objection from Russell Vang (665 Case Ave).

Mr. Vang indicated he was unable to attend the hearing. His letter raised concerns over noise, parking, and traffic. Ms. Vang then gave Mr. LaFleche the opportunity to respond.

Mr. LaFleche: We don’t want to inconvenience anyone. Case is a busy street, and we aren’t the only business there. Please let him know that we are sorry for an inconvenience.

Ms. Vang: I know that the parking minimum has gone away, but do you have a parking space?

Mr. LaFleche: We do have a lot that we share with Cookie Cart that is maintained by both of us. We don’t lose any spaces due to snow either. For off-street parking, the area is not permitted so streets are public.

Mr. Haddow: As Ms. Vang mentioned, parking minimums are no longer required by the City, but we always appreciate when businesses provide their own parking to make life easier for residents.

Ms. Vang: I notice there is this other connected space, are you expanding there?

Mr. LaFleche: That is our plan, and we are working with the city on that.

Mr. Haddow: Business licensing will require a new application to expand the service area, which may also coincide with increasing the seat count. We'll evaluate service area depending on how much space is added when compared to how much space he currently has. There may or may not be a public notification that goes out to that. It really depends on the number of seats he's adding. If it isn't more than a handful of spots, we usually don't notify. But if it's like double the space or something to that extent, then we do a notification as a common courtesy to the neighborhood.

Ms. Vang: Right now, the license is only for this address, and they would need to go through that process to expand service to this other address, correct?

Mr. Haddow: Yes. Right now, he’s working with Zoning and Building to get construction taken care of. We will get involved closer to completion of the construction.

Ms. Vang then reviewed the letter from the Payne – Phalen Community Council, stating the district council’s support. The letter acknowledged parking concerns but stated that the City no longer had parking minimums for businesses and that this business will handle things responsibly. Ms. Vang gave Mr. LaFleche the opportunity to respond.

Mr. LaFleche: I don’t have anything to add. They have been very supportive.

Ms. Vang asked if there have been any complaints recently.

Mr. Haddow: I don’t recall any complaints recently. The last two complaints were about illegal dumping. These were not his fault, and they were addressed by Mr. LaFleche.

Ms. Vang: They got the license in 2017. Has there been a liquor compliance check since then?

Mr. Haddow: We do them every 2 years. Not sure when the last one was because it can be hard to find underage employees to do the checks. If there was one, the business passed.

Ms. Vang asked about the police incident report.

Mr. Haddow: Some of what you see are proactive visits, which are just police stopping by to check on things and also act as a deterrent. You can see some disturbances listed, but nothing here ever generated a police report that DSI needed to follow-up on so they are good there. There has been no adverse action.

Ms. Vang asked Mr. Haddow to review the complaint process.

Mr. Haddow: If it's an emergency complaint, dial 9-1-1. If it's a non-emergency complaint, you can do the non-emergency number if you need a police officer out. If it's a complaint against the business that doesn't involve the police, there's email address (DSIComplaints@ci.stpaul.mn.us) as well as our 651-266-8989 phone number. That's our general phone number for the city of Saint Paul. Anybody can call and they can complain about anything that they need to. We take concerns any time. They don't have to wait around. If they call and we do not answer, there's a voicemail option and the voicemails get checked daily and cleared. And then once the complaint is logged it gets routed to the inspector in whichever division that it applies to and then that inspector will follow up with whatever action is necessary.

Ms. Vang: The objector could voice their concerns through these methods?

Mr. Haddow: Yes. If there was a concern about illegal parking, we would send it to the police for parking enforcement since that's their jurisdiction. They could send a parking enforcement officer to verify if there is an issue that needs to be addressed.

Ms. Vang stated that after reviewing the records and considering testimonies from all parties, she will recommend to the City Council that they approve the license with no new conditions other than the following previously agreed-upon conditions:

1. Licensee agrees to operate the establishment in compliance with Section 409.02 of the City of Saint Paul Legislative Code as a "Restaurant".
2. Licensee agrees to close the establishment at 12:00 a.m. midnight. All patron/customers shall vacate the premises by 12:30 a.m. each day of the week as per City Zoning Code (parking requirement) and Section 409.02 of the City of Saint Paul Legislative Code.
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6. License acknowledges that no entertainment may be provided unless prior written authorization from the Department of Safety and Inspections (DSI), and the required City license is first obtained.

The hearing adjourned at 10:26 AM

The Conditions Affidavit was signed and submitted on December 14, 2022.