

LICENSE HEARING MINUTES
Agelgil Ethiopian Restaurant, 2585 Seventh Street West
Monday, August 19, 2019, 10:00 a.m.
Room 330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

The hearing was called to order at 10:00 a.m.

Staff Present: Jeff Fischbach, Department of Safety and Inspections (DSI)

Licensee: Tsegereda Cherinat, Applicant/Owner

License Application: Expand the liquor service area by approximately 440 square feet and upgrade to a full Liquor On Sale - 100 seats or less and Liquor On Sale - Sunday license from an existing Wine On Sale and Malt On Sale (Strong) license

Other(s) Present: Eric Swanson (neighbor); Samuel Zerihun (business partner's husband); Brook Dalu and Idris Mohamed (business supporters and consultants)

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 to take an adverse action on the application, which could involve review by an administrative law judge.

Minutes:

Jeff Fischbach, Department of Safety and Inspections (DSI) gave a staff report. He said Sunday service was included under the Wine on Sale and Malt On Sale license, and the upgrade to full liquor required the additional Sunday license to keep operating as they were now. He said DSI had recommended the following conditions; Conditions 1 and 2 were standard for an establishment that had never had a full liquor license. Ms. Vang confirmed with Mr. Fischbach

that Conditions 3, 4, and 5 carried over from previous license. Mr. Fischbach read Conditions 1 and 2.

Mr. Fischbach said DSI received a letter of support from the Highland district council subsequent to preparing the staff report. Reviews/inspections: Building under review because of the expansion of the liquor service area which would require a building permit, License and Zoning approved with conditions, DSI recommended approval with conditions.

Recommended 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. No alcohol sales, service, display and/or consumption is allowed outdoors without prior written approval and additional licensing from DSI.
4. Per City of Saint Paul Legislative Code 411.02, the definition of Entertainment A is, "Amplified or nonamplified music and/or singing by performers without limitation as to number, and group singing participated in by patrons of the establishment." (includes karaoke). Entertainment A license does not allow for patron and/or performance dances.
5. Licensee agrees to maintain the existing fence running along the alley property line that is seventy (70) feet in length in good order and repair.

Ms. Vang asked if there was any additional parking required with the upgrade to full liquor. Mr. Fischbach said the existing conditions required closing at midnight, so the parking requirement was the same under the Zoning code.

Ms. Vang referred to the site plan and asked whether the 440-square foot expansion was into the future retail space and was now going to be used for billiards, and whether that required a new license. Mr. Fischbach said not with a liquor license.

Ms. Vang asked Ms. Cherinat to talk about what had changed since the original license was issued a year ago, and the plans for the expansion.

Ms. Cherinat said they wanted to move the pool table from the bathroom area to a room they hadn't been using, and learned from Mr. Fischbach that they needed the license. Ms. Vang asked about the building permit. Ms. Cherinat said the room was already built. Ms. Vang asked whether the building permit had been pulled and finalled by the City. Ms. Cherinat said SAC had been approved, and she was waiting for them because she might serve something in that area. Ms. Vang asked what type of building permit was pulled. Ms. Cherinat said the pool table was in the restaurant and they wanted to move it to the empty room; they would add tables and chairs to that space in restaurant. Ms. Vang said the restaurant foot-print would change somewhat.

Ms. Vang asked whether staffing had changed. Ms. Cherinat said she had two kitchen staff and three servers. Ms. Vang asked whether security staff had been hired. Ms. Cherinat said they hadn't had any problems and were not busy after 10:00 p.m., and her husband and her partner's

husband were there all the time. She said they would definitely hire security if they found it was needed.

Ms. Vang asked about any complaints received in the time they'd been operating and how they'd been resolved. Ms. Cherinat said they had discussions, and fixed the things that came up. She said someone complained about being able to see the garbage, and they were going to take care of that. She said the neighbor complained about cars being parked for a long time, they took care of it right away.

Ms. Vang said at the last hearing a condition was added about maintaining the fence; she asked how that had been going. Ms. Cherinat said they wanted to add to it; there was a little area across the street from the neighbor and she didn't want to see the garbage, so they would do that to block the view. Ms. Vang asked how tall the fence was. Ms. Cherinat said she wasn't sure; probably 6 feet.

Ms. Vang asked how business was after 9:00 p.m. or 10:00 p.m. Ms. Cherinat said they usually didn't get more people after 9:00 p.m. or 10:00 p.m. because they closed at midnight and didn't serve food after 11:00 p.m. Ms. Vang confirmed with Ms. Cherinat that with the full liquor license they would continue to keep the restaurant open to 11:00 p.m. Ms. Vang confirmed with Ms. Cherinat that the SAC requirement had been taken care of.

Ms. Vang said she would withhold additional questions. She invited Mr. Swanson to review the letter he had submitted.

Mr. Swanson read his letter, expressing concerns about restaurant patrons parking in the parking lot belonging to his business at 2575 W. 7th Street, and asking for fencing on three sides of the lot at 2585 W. 7th to keep people from parking illegally at 2575 and walking over.

Ms. Vang asked Mr. Swanson if the two parking areas were shared or privately owned, and what fencing was currently being maintained. Mr. Swanson said the lots were privately owned. He said there used to be a fence between the properties but it was removed prior to his ownership. He said the owner of the property on the other side of 2585 had put up a fence between their properties recently.

Ms. Vang, Mr. Fischbach, and Mr. Swanson reviewed the street photos showing the location of the fence at 2585. Mr. Swanson said restaurant patrons took the last 4 or 5 stalls and walked to restaurant. He said it was more of a problem in winter when there was snow in those spots and restaurant patrons took up more of his spots down the line. He said another concern was security; viewing the number of cars and the number of customers in his laundromat helped with security. He said he had caught people in the act of trying to pick locks on the machine. He said a full lot also deterred laundry customers. He said if there was a car there, they should be the laundromat, not the restaurant.

Ms. Vang asked whether the curb cut in the street photo was for Mr. Swanson's business or the entire parking lot. Mr. Swanson said that second curb cut was partly for the alley and partly for his business.

Ms. Vang said it would be hard for her to require Ms. Cherinat to put up a fence when it looked like it was a shared access. Mr. Swanson said it wasn't. Ms. Vang asked Mr. Swanson whether he'd thought about putting in a fence himself to deter restaurant patrons from parking in his lot. Mr. Swanson said 2585 was vacant when he started the laundromat. Ms. Vang asked Ms. Cherinat whether she was a tenant or owned the property at 2585. Ms. Cherinat said they owned it. Ms. Vang said she was trying to determine who was responsible for putting up a fence, and thought it would be neighborly for the two of them to discuss it and reach a conclusion. She said she couldn't force someone to put up a fence, but could encourage Mr. Swanson to do so if he saw it as an issue. She said the only thing she could ask was for Ms. Cherinat to put up a sign saying her patrons were not to park on that side. She said she did not have the authority to require that Ms. Cherinat put up a fence.

Ms. Cherinat said they had customers from Minneapolis who parked in the restaurant parking lot, used the laundromat, and came in and ate at the restaurant. She said some laundry customers parked at the laundromat then came to the restaurant to have breakfast or coffee, and that was why Mr. Swanson may not see them on his video. She said Mr. Swanson had spoken to her partner's husband about it, and Mr. Swanson said he was going to put up a sign. She said if Mr. Swanson didn't see anyone in the laundromat it didn't mean they weren't there; she said she did her own laundry at Mr. Swanson's property. Mr. Swanson said based on his observations there were a lot of people who didn't use the laundromat but just used the parking lot.

Ms. Vang asked how late the laundromat was open. Mr. Swanson said it was open until 10:00 p.m. Ms. Vang confirmed with Mr. Swanson that he felt many people were just coming for the restaurant and not necessarily using the laundromat. Mr. Swanson said there were customers who used the laundromat and went over and had coffee, and he couldn't give a percentage of how many were just utilizing the parking. He said the restaurant had a good business and a parking problem, and when their lot got full it spilled over to his.

Ms. Vang asked Ms. Cherinat how she handled the overflow of traffic and parking. Ms. Cherinat said staff didn't park there. Ms. Vang asked Ms. Cherinat if she had been talking to and educating patrons about where they could park. She suggested doing some education among the customers and perhaps putting up a sign between the two lots. Ms. Cherinat said she thought Mr. Swanson said he was going to put up a sign. Mr. Swanson said he meant that if a fence was put up, a sign could be put on the 2575 side of the fence stating that cars that did not belong to laundry customers would be towed. Ms. Vang said Mr. Swanson could do that himself at any time, but she could only ask Ms. Cherinat to put up a sign on her side reminding her customers to only park on her side. She said she felt they both had a responsibility to help alleviate the parking issue. She reiterated that she couldn't require a fence, but said the two could come to an agreement and put up a fence and share the cost.

Samuel Zerihun (2150 Cliff Road E., Burnsville), business partner's husband, said he was in support of the application.

Idris Mohamed (4456 Parklawn Court, Edina), African Economic Development Solutions, said Algelgil was their client, and they supported the establishment. He said Ms. Cherinat was contributing to the community, helping herself and her family, paying taxes, had implemented

the advice we they offered, and had made exceptional progress with the business. Ms. Vang asked what type of advice had been offered. Mr. Mohamed said it was related to accounting and recordkeeping; he said Ms. Cherinat was very meticulous in providing information to the lender when the building was purchased.

Brook Dalu (6000 Emerson Ave S, Minneapolis), African Economic Development Solutions, said they were present at the district council meeting where the parking issue was mentioned. He said Agelgil had the required amount of parking for the number of seats and size of the restaurant. He said he patronized the restaurant and had observed that most customers parked on the street.

Ms. Vang closed the public portion of the hearing.

Ms. Cherinat submitted petitions of support. Ms. Vang reviewed them and added them to the record.

Ms. Vang reviewed the letter from the district council, and confirmed that Ms. Cherinat agreed with the requests to repair and maintain the fence, screen garbage from view, and provide signage about parking and being considerate of the residential neighbors.

Ms. Vang asked whether the fence was being maintained. Mr. Fischbach said someone had gone out, and found it was in good shape overall with a couple of small boards needing repair. Ms. Cherinat said they were fixing it.

Ms. Vang asked whether the garbage bin was enclosed. Ms. Cherinat said the neighbor's house was in front of the garbage so they wanted to add to the fence to hide the garbage. Ms. Vang asked Mr. Fischbach whether they were required to enclose the garbage or could just screen it. Mr. Fischbach said they weren't required to enclose it.

Ms. Vang confirmed with Ms. Cherinat that she agreed to add signage so customers knew not to park on the laundromat side. Ms. Cherinat said she would. Ms. Vang asked that Ms. Cherinat work with the City to make sure the signage didn't violate any city ordinances. Ms. Cherinat said last time Mr. Swanson talked to her he said he was going to put up a sign stating that anyone parking in his parking lot could be towed. Ms. Vang asked that Ms. Cherinat put up a sign on her side; she said that was a reasonable request.

Ms. Cherinat asked for clarification of the placement and what the sign should say. Ms. Vang suggested a standing sign placed on the yellow line between the properties. Ms. Cherinat said to get from the laundromat you had to go around to neighbors. She said most of the people who came in were doing their wash there, but if you were a customer you couldn't get there, because it was around. Ms. Vang asked that Ms. Cherinat put a sign there to make the neighbor happy. She said she would require as part of a condition that Ms. Cherinat put up a sign deterring customers from parking at the laundromat. She asked Mr. Fischbach if he could draft something like that. Mr. Fischbach asked whether she wanted condition or was suggesting it. Ms. Vang asked Ms. Cherinat how soon she could put up a sign. Ms. Cherinat said she could work on it that day.

Ms. Vang suggested a two-sided sign on the line between the properties. She said wouldn't put it as a condition for now, but would hold Ms. Cherinat to her promise that she would put up a sign. Mr. Fischbach suggested putting up a sign inside the door of the establishment as well. Ms. Vang clarified, and she said she wanted the business to be successful and not develop a contentious relationship with the neighbor. She reiterated that she wouldn't add a condition for now but hoped Ms. Cherinat would put the sign up as soon as possible to show she was doing her due diligence and respecting the boundary.

Ms. Vang noted that the site plan had changed a little from a year ago, and that there had been a tall grass complaint that was taken care of right away. She asked Ms. Cherinat when she purchased the property. Ms. Cherinat said she purchased in April. Ms. Vang encouraged her to continue to maintain the property in a way that was attractive to the community as well as to the business.

Ms. Vang said she had no new conditions to add; she asked Ms. Cherinat if she had any questions about the two new conditions being placed on the license. Ms. Cherinat said she didn't. Ms. Vang confirmed with Mr. Fischbach that the conditions affidavit had been signed. She said she would recommend to the Council that the license be approved with the agreed-upon conditions. She noted for the record that Ms. Cherinat would put up signs in the restaurant and parking lot to deter her customers from parking on the side where the laundromat is located.

The hearing was adjourned at 10:46 a.m.

The Conditions Affidavit was signed and submitted on July 24, 2019.