

LICENSE HEARING MINUTES
Minnoco, 1200 Rice Street
Thursday, January 23, 2014, 2:00 p.m.
330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy 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: Bilal Alsadi, applicant

Minnoco: Gas Station, and Cigarette/Tobacco licenses

Ms. Vang 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 a letter of concern/objection which triggered the hearing. There were three possible results from this hearing: 1) recommend the City Council issue this license without any conditions; 2) recommend the City Council issue this license with agreed upon conditions; or 3) recommend 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.

DSI staff will explain their review of the application and state their recommendation. Ms. Vang said she will then ask the applicant to discuss their business plan. At the end of the hearing, she will make a recommendation for the City Council to consider. Her recommendation will be on the Consent Agenda; the City Council is the final authority on whether the license is approved or denied.

Ms. Schweinler read the following conditions into the record:

License Condition 1-4 per Zoning Conditional Use Permit 13-170780:

1. The hours of operation shall be between 6:00 a.m. and 1:00 a.m. Sunday through Saturday;
2. Fencing must be of substantial quality of material to provide for the safety and security of the property and must be opaque along the eastern property line adjoining the alley.
3. All City-issued maintenance orders for the fencing must be completed within 45 days of receipt of the order.
4. A maintenance plan for the storm water detention pond must be filed with the City that, at a minimum, requires annual maintenance of the storm water detention pond.

Additional License Conditions:

5. Surveillance cameras must be installed, in accordance the Saint Paul Police Department (SPPD) recommendation, to record all activities inside and outside of the establishment. The quality of the recording shall also be in compliance with orders of the SPPD. Cameras must be in operation and recording at all times. The establishment shall maintain these recordings for 30 days and they must be immediately available to the Saint Paul Police Department upon request and to the Department of Safety and Inspections within 24 hours of the receipt of a written request for recordings. In addition, if the SPPD responds to a call at the licensed premises, and due to the serious nature of the crime, requests that a copy of the surveillance footage be immediately provided, the license holder or his staff shall have technology

available to make the copy at the time of the request and shall have it for the Police without delay.

6. Signage shall be maintained in accordance with Ch. 64 of the St. Paul Legislative Code. Temporary window signs placed between the height of four (4) to seven (7) feet above grade shall not cover more than thirty (30) percent of this window space area, and cannot block views into the clerk or cashier station.
7. Licensee shall, on a daily basis, pick up trash on and around the property including the adjacent alley immediately east of the licensed premises and the public sidewalk fronting along the property.
8. Licensee will maintain the property in accordance with the St. Paul Legislative Code Ch. 34 and Ch.114, including but not limited to tall grass and weeds and snow removal.
9. Lighting will be installed to provide illumination for the security cameras and for the safety of customers, vehicle maneuvers, etc., pursuant to St Paul Leg. Code Sec. 63.116. Outdoor lighting shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residences in such a way as not to exceed three (3) foot-candles measured at the residence district boundary. Lighting shall not to interfere with the vision of persons on adjacent highways or adjacent property. The illumination of any other outdoor feature shall be maintained stationary and constant in intensity and color at all times when in use.
10. Licensee agrees to complete all site improvements as required under the approved site plan on file with the Department of Safety and Inspections (DSI) #13-169828 by 07/16/2014.

The District 6 Planning Council submitted a letter recommending issuance of the license subject to the conditions recommended by DSI, and that the deli closing at 11:00 p.m. each day of the week. Ms. Schweinler stated that the city had no jurisdiction over licensing food service and was unable to recommend a license condition for the deli to close at 11:00 p.m. every night.

Ms. Vang asked Mr. Alsadi if he understood all of the recommended license conditions. Mr. Alsadi responded that condition #7 indicated he clean up the adjacent alley; he did not believe he should be responsible for cleaning up the entire alley. Ms. Schweinler responded that he was only responsible for cleaning up the area of the alley that abuts his property and not the entire alley.

Ms. Vang asked Mr. Alsadi when he anticipated the construction of his store would be completed. Mr. Alsadi responded that due to the weather, construction had been delayed. He anticipated he would open by the end of March.

Ms. Vang read into the record the emails received from the following: Darlene Blossom, 1189 Park Street; Gregory Sheehan, 1215 Rice Street; and Kirsten Libby, Libby Law Office and counsel to Mr. Alsadi, 855 Rice Street. *(Said emails are made a part of this record)*

After reviewing all of the documents of record, Ms. Vang said she will recommend to the City Council that they approve the license with the proposed conditions. The proposed conditions were agreed to by Mr. Alsadi and are as follows:

License Condition 1-4 per Zoning Conditional Use Permit 13-170780:

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2. Fencing must be of substantial quality of material to provide for the safety and security of the property and must be opaque along the eastern property line adjoining the alley.

3. All City-issued maintenance orders for the fencing must be completed within 45 days of receipt of the order.
4. A maintenance plan for the storm water detention pond must be filed with the City that, at a minimum, requires annual maintenance of the storm water detention pond.

Additional License Conditions:

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10. Licensee agrees to complete all site improvements as required under the approved site plan on file with the Department of Safety and Inspections (DSI) #13-169828 by 07/16/2014.

The hearing adjourned at 2:20 p.m.

The Conditions Affidavit was signed and submitted on January 23, 2014.