

**LICENSE HEARING MINUTES**  
**Mounds Park Sports Bar, 1067 Hudson Road**  
**Monday, April 1, 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 10:01 a.m.

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

Licensee: Bill Spiess, Applicant/Owner

License Application: Liquor On Sale - 2 AM Closing license to the existing Liquor On Sale - 100 seats or less, Liquor On Sale - Sunday, Entertainment (B), and Gambling Location licenses

Other(s) Present: Ed Oswald

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:

Kris Schweinler, Department of Safety and Inspections (DSI) summarized the license application and said DSI recommended with an additional condition.

Existing license conditions:

1. Licensee will create a video surveillance camera and lighting placement plan (video surveillance plan) for the interior and exterior of the licensed premises. Licensee will submit the video surveillance plan to the Saint Paul Police Department (SPPD) liaison with the Department of Safety and Inspection (DSI) for review and approval. In accordance with the approved video

surveillance plan, licensee will ensure that video surveillance camera system is in good working order, ensure it is recording 24 hours per day, ensure it can produce recorded surveillance video in a commonly used, up-to-date format, and ensure that accurate date and time of day are visible on all recorded video. Licensee will retain surveillance video for a minimum of thirty (30) days. If an incident is deemed serious by SPPD, licensee shall make surveillance video immediately available for viewing by SPPD. If a copy of the surveillance video for a serious incident is requested by SPPD, Licensee shall have the technology, materials and staff available to immediately make the copy. In all other cases, licensee shall provide a copy of the surveillance video to the requestor within 48 hours.

Recommended additional license conditions:

2. No liquor sales and/or service is allowed outdoors (on either public or private property) without prior written approval and additional licensing from DSI.

In response to a question from Ms. Vang, Mr. Spiess said he'd had the business for five years.

In response to a question from Ms. Vang, Ms. Schweinler said there was no additional parking requirement associated with the license.

Ms. Vang noted for the record that four letters or emails of concern had been received. She asked Mr. Spiess to talk about the business and to address the concerns raised in the correspondences of objection.

Mr. Spiess said he appreciated seeing the concerns and opinions of the people around him, and was pleased there was nothing negative in the letters, and felt that it showed he was doing a good job. He said he had a great relationship with the police department, and had been able to provide them with videos of other things going on in neighborhood. He said he used to have two cameras outside and now had five. Ms. Vang asked whether he had five cameras in total; Mr. Spiess said they had a total of 17. He said he felt he had been doing a great job, and had a good relationship with the City and the Council. He said they'd had three outdoor events in the last three or four years with no problems. He said he was strict about horseplay; he said they didn't allow use of the N-word or fighting, and problem patrons were immediately barred. He said that it has been his policy since day one and it really seemed to work. He said he was there 80% to 90% of the time. He said they had just opened a new restaurant (added a restaurant license) to his business two months before, and their sales for food and alcohol had come closer together. He said they hadn't wanted to add the 2:00 a.m. license until they had food, because they didn't want problems. He said now they had homemade pizza and other items, and it was going very well. He said they'd gone from 3, 4, or 5% up to 20% (food sales) vs. liquor. He said the kitchen would be open to 1:00 a.m. at the latest. He clarified that they had opened the kitchen in January, and had been in business since 2014. He said the kitchen hours were currently 12:00 p.m. to 9:00 p.m. seven days a week, and they would be adding delivery. He said the bar hours were 8:00 a.m. to 1:00 a.m. He said they currently had one server, about six cooks, and a bartender, and might add additional kitchen staff. Ms. Vang asked whether Mr. Spiess had security staff. Mr. Spiess said he could monitor the security video at home and on his phone, and was there most of the time. He said he felt strongly about not having a bouncer or someone at the door, because they would get challenged by patrons. He said his current system had been very successful for him,

and he hadn't had any problems except for when he was sued because he didn't have accessible restrooms. Since then, he had done everything he was able to make the space work for the special needs patrons who accepted the changes he made. Ms. Vang asked whether he'd gone through DSI or the building staff to make sure he'd met all state and local standards. Mr. Spiess said the people who sued him came in and accepted the changes he'd made. He did not think that he would need to do anything else since the updates were acceptable. He introduced his friend and customer Ed Oswald, who was disabled, and said he didn't have any problems.

He said his business plan up until now had been successful. He said it wasn't always about business or money or profit, but about safety and security and everyone having fun.

Ms. Vang noted the stage area indicated on the floor plan; she asked what kind of entertainment they had. Mr. Spiess said they used to have bands on Friday night but didn't anymore because now they had food. He said now they had karaoke on Saturday and Sunday nights. He said they occasionally had bands Sunday afternoon. He said they hadn't had any noise problems. He said that his next-door neighbor, who had a newborn at home, said he didn't feel that an additional hour (from 1:00 a.m. to 2:00 a.m.) would make a difference. Mr. Spiess said he had a great relationship with the people on his block. He said the people who'd submitted the correspondences of objection did not live on the block, and he wished they were present so he could address their specific concerns. In addition, he said that he supported an organization providing domestic violence support services to Native American women, and was proud of that.

Ms. Vang said that based on Mr. Spiess' testimony that the bar had been working well; she asked Mr. Spiess why he was adding the 2:00 a.m. license. Mr. Spiess said he was hoping to bring in new people and trying to get it to succeed a little more. He said it was close to downtown St. Paul and maybe they could get more business from the convention or event business.

Ms. Vang said Mr. Spiess had said he was at the business 80% of the time; she asked about other full-time staff. Mr. Spiess said he managed the business along with his brother and a bartender who managed. He said they also had pull tabs and e-tabs, which was a part of entertainment as well.

Ms. Vang asked Mr. Spiess whether his contact information was readily available for walk-in complaints. Mr. Spiess said it was. Ms. Vang asked whether that had happened. Mr. Spiess said it hadn't, and any concerns were brought to him during the day when he was there. Ms. Vang asked what those concerns were. Mr. Spiess said the only concern he had was dealing with fights or arguments, and those were handled by barring people. Ms. Vang asked Mr. Spiess whether he ever called the police. Mr. Spiess said yes, they had, it was a bar. He said the greatest fear if you're the owner of a bar or restaurant was that one person could wreck it, and he tried to eliminate that problem by barring or getting rid of them immediately. Ms. Vang asked Mr. Spiess whether they maintained a list. Mr. Spiess said yes, he said it was a very short list but they had it.

Ms. Vang asked Mr. Spiess whether he'd managed this type of business in the past. Mr. Spiess said he'd owned a trucking business, so he had 25 years of experience supervising a lot of people. Ms. Vang asked whether this business was a new venture for Mr. Spiess who said it was; he said he had grown in the last five years, and felt good about it. He said if it (2:00 a.m. license)

didn't happen it didn't happen. He said he was surprised there were letters of objection at all, but when he knew it was from a different block, he understood. He said it was still a concern, and he wished they were present so he could maybe put them at ease.

Ms. Vang asked whether there was an exit plan that would be put in play as patrons were leaving to minimize any noise impact to the community. Mr. Spiess said it would be the same as with 1:00 a.m. closing – they had last call and tried to get people out within the half hour. He said he had some officers come by that knew him, to keep an eye on the place as well. He said they hadn't had a problem with that and he hoped that it would continue with the 2 a.m. closing; he would make sure it did. Ms. Vang noted that the parking was adjacent to the building; she asked whether staff helped guide people out to the parking on busier nights. Mr. Spiess said everyone exited out the front, which had lighting and three cameras. Ms. Vang noted that one of the concerns raised in the letters was that it was not unusual for there to be disruption or activity at closing. Mr. Spiess said it could happen, and they would put a kibosh on it.

Ms. Vang asked when trash was emptied. Mr. Spiess said nothing was emptied at night, and a crew came in the next morning to clean up. He said the trash area was enclosed and locked.

Ms. Vang reviewed the letters received. She said neighbor Danielle Derethik objected to the 2:00 a.m. license, was not confident it would be an enhancement to the neighborhood, and was worried about noise and loitering. Ms. Vang said the next objection was from Dustin Derethik, 402 Earl Street, who expressed concerns about the hours given it was not in an entertainment district and it would not add value to the community. Ms. Vang asked Ms. Schweinler whether this type of establishment would require entertainment zoning or whether the City had entertainment districts. Ms. Schweinler said no, and that this bar was a grandfathered in liquor establishment.

Ms. Vang said the next objection was from Miranda Godfread, 1077 Wakefield Avenue, who was concerned about the later closing and patrons creating compounded noise or disturbance affecting restful sleep, and loitering. Ms. Godfread recommended a denial. The next objection was from Paul Godfread, 1077 Wakefield Avenue, who strongly objected to adding the 2:00 a.m. closing license, and noted that the bar was in a residential neighborhood and not in a commercial or entertainment district, but said he didn't have any specific complaint about the business. He expressed concern about noise and excess traffic and recommended a denial.

Ms. Vang asked whether Hudson was a two-way street. Mr. Spiess was given an opportunity to respond to the concerns; he said those neighbors were on the next block so he didn't think that was a concern, but he still respected their opinions. He reiterated that his business was doing well and wished they were present so he addressed their concerns. Ms. Schweinler verified that Hudson is two-way street.

Ms. Vang reviewed the STAMP and police records. She noted a complaint from 2015 about an outdoor bocce ball event. She asked whether it was a fundraiser. Mr. Spiess said it was just a tournament. Ms. Vang asked whether there was a permit requirement for that kind of event. Ms. Schweinler said at that time there was a bocce ball event that was not permitted. Mr. Spiess said they'd gotten a permit for every event since then and there had been no additional complaints.

Ms. Vang noted a food truck incident; she asked whether it was just illegally parked. Mr. Spiess said he wasn't aware of the incident.

Ms. Vang confirmed with Ms. Schweinler that there had been no enforcement actions other than the one incident with the bocce ball tournament. Mr. Spiess said that bocce ball tournament had been well run and there had been no police calls.

Ms. Vang reviewed some additional police calls associated with the intersection, but not necessarily the business.

Ms. Vang emphasized to Mr. Spiess that he was in a residential neighborhood and had been grandfathered in, and he should be cognizant of trash and noise and disturbances, and that if he or his staff were unable to handle any of those issues they were to notify the police. Mr. Spiess said absolutely.

Ms. Vang said she didn't see anything in the reports to warrant a denial of the license application nor did she see anything specific in the letters of objection directly addressing Mr. Spiess' mismanagement of the business and so, she would be recommending that the City Council support the issuance of the 2 a.m. closing license. She wanted Mr. Spiess to keep the concerns raised in the letters in mind to do a better job; he would take any advice for things he could do better. Ms. Vang also recommended that Mr. Spiess attend district council meeting, and using police and DSI as resources.

The hearing was adjourned at 10:28 a.m.

The Conditions Affidavit was signed and submitted on April 1, 2019.