

LICENSE HEARING MINUTES
Far East, 959 Arcade Street
Monday, April 27, 2020, 10:00 a.m.
Room 330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

In light of the COVID-19 health pandemic, a remote hearing was held by telephone or other electronic means. It was called to order at 10:00 a.m. A roll call was made to confirm attendees.

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

Licensees: Som Lee and Blia Vang, Applicant/Owners

License Application: Add a Gambling Location License

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. The letters of objection will be read into the record, and the applicant invited to respond. 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.

Kris Schweinler, Department of Safety and Inspections (DSI), gave a staff report on the application for a Gambling Location license, which would allow the licensee to have a charitable non-profit organization conduct legal gambling in the establishment. She said their recommendation was for approval with the two existing conditions, related to video and Entertainment A. She said it has been approved by Building, Zoning, and, again, DSI was recommending approval of the application.

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.

2. 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.

Legislative Hearing Officer Nhia Vang confirmed with Ms. Schweinler that there were no new conditions related to the gambling license. She confirmed with that the applicants Som Lee and Blia Vang were co-owners of the business.

Legislative Hearing Officer Nhia Vang asked how long they had been operating. Ms. Blia Vang said for four years since 2016.

Legislative Hearing Officer Nhia Vang asked what issues they'd faced during the time they have been operating and how they were being addressed, and whether the City had taken any enforcement actions. Ms. Blia Vang said there had been no enforcement actions. Legislative Hearing Officer Nhia Vang asked about any neighborhood concerns addressed directly to the licensees. Ms. Blia Vang and Mr. Lee said there had been no issues.

Legislative Hearing Officer Nhia Vang asked how many employees there were. Ms. Blia Vang said between 8 and 13 including front and back of house.

Legislative Hearing Officer Nhia Vang asked about the hours of operation. Ms. Blia Vang said they were closed Sunday and Monday. She said they were open from 11:00 a.m. to 10:00 p.m. on Tuesday and Wednesday, and from 11:00 a.m. to 12:45 a.m. Thursday through Saturday.

Legislative Hearing Officer Nhia Vang said the current licenses were Liquor On Sale 100 Seats or Less, Liquor On Sale – Sunday, And Entertainment (A), and the request was to add a Gambling Location license. She asked what charitable organization they would be working with. Mr. Lee said he couldn't remember. Ms. Blia Vang said the organization she believes they will be working with is the American Legion just down the street. Legislative Hearing Officer Nhia Vang asked the applicants to email the name of the organization. (Following the hearing, Ms. Blia Vang emailed and confirmed that the "gambling non-profit organization is America Legion Post -577.")

Legislative Hearing Officer Nhia Vang noted that the license would allow pull tabs, tip boards, raffle tickets, paddle wheel. She asked what type of gambling would be offered. Ms. Blia Vang said they were thinking about doing pull tabs and bingo.

Legislative Hearing Officer Nhia Vang asked how it would be managed, and what kind of training they would receive from the organization. Ms. Blia Vang said the organization would provide staff. Ms. Schweinler said the non-profit had to conduct the gambling.

Legislative Hearing Officer Nhia Vang asked whether it would be offered every day. Ms. Blia Vang said they were thinking of offering it just one or two days a week for bingo.

Legislative Hearing Officer Nhia Vang asked whether the license had to meet any additional parking requirement. Ms. Schweinler said it did not.

Legislative Hearing Officer Nhia Vang asked whether the business had security. Ms. Blia Vang said yes. She said they had four security people Thursday through Saturday, and one security person on Tuesday and Wednesday.

Legislative Hearing Officer Nhia Vang asked whether they both managed the business or had a staff person manage. Ms. Blia Vang and Mr. Lee said they both managed.

Legislative Hearing Officer Nhia Vang asked whether they had managed this type of business in the past and worked with a charitable organization. Ms. Blia Vang said this was their first time.

Legislative Hearing Officer Nhia Vang asked whether the charitable organization worked with other similar establishments in the area. Ms. Blia Vang said according to what they'd been told, the organization had been working with nearby businesses for a long time. The American Legion is located right down the block.

Legislative Hearing Officer Nhia Vang confirmed that the applicants had seen the correspondences of objection. The first letter was from Patricia Dukes at 797 Case Avenue, who raised objections and didn't believe they should have gambling. Legislative Hearing Officer Nhia Vang asked the applicants to respond. Ms. Blia Vang said the letter didn't say much so she didn't know how to respond, other than that it (the Gambling Location license) would help boost their small business, especially after the shutdown.

Legislative Hearing Officer Nhia Vang reviewed the second letter from Siyad Mohamed at 786 Sims Avenue stating that "they were not welcome or like the license request for the business." She said it wasn't clear whether they did not feel welcome at the establishment or didn't welcome this license. She invited the applicants to address the concern. Ms. Blia Vang said she looked at where the complainant lived, and it was on the other side of the street, so she didn't know if their establishment would affect him. Mr. Lee said Sims was way on the other side and they didn't know how this would affect the complainant.

Legislative Hearing Officer Nhia Vang said the last letter was from Angelina and Naolo Vang at 781 Case Avenue who expressed many concerns about the establishment, including numerous

unsafe and unpleasant experiences with people they believed were customers of the business. The letter referred to people returning to their cars around 2:00 or 3:00 in the morning; shouting and yelling; people urinating and vomiting on their property; fights on the sidewalk; people walking through the fence and into their garden beds; finding empty alcohol bottles and empty cardboard boxes from beer, used condoms, cigarette butts, shoes. Their biggest concern was the health and safety of their community, and their quality of life. Ms. Blia Vang said they closed by 12:45 Thursday through Saturday, and everybody was out by 12:45. She said there were two bars within their block. She said Arcade was a business street. Mr. Lee said there were also quite a few bars on Payne in that neighborhood. Ms. Blia Vang said they had security who would not let anybody bring any bottles out of the establishment, and they did close earlier than most of the bars there. She said Arcade had lots of stores and lots of bars and other different businesses.

Legislative Hearing Officer Nhia Vang asked whether they had their own parking; she noted there were some parking spaces and it was a mixed-use building. Ms. Blia Vang said they owned the whole building and did have a parking lot. She said they paid for the parking lot across the street, behind the other businesses, for their patrons. Legislative Hearing Officer Nhia Vang asked whether they directed their customers to park in that other lot. Ms. Blia Vang said most of their customers parked there.

Legislative Hearing Officer Nhia Vang asked whether the applicants had had a conversation with any of the neighbors to familiarize them with the business, especially that closing hours were earlier than other establishments. She asked whether they'd had a chance to meet neighbors at a district council meeting or other gathering. Ms. Blia Vang said nobody had ever approached them or complained to them. Legislative Hearing Officer Nhia Vang encouraged them to develop a relationship with district council and thereby introduce themselves to other neighbors, because it was a community location.

Legislative Hearing Officer Nhia Vang asked about security cameras. Ms. Blia Vang said they were required. She confirmed they had worked with the police department to place the cameras. Mr. Lee said they had 14 cameras.

Legislative Hearing Officer Nhia Vang asked about exterior lighting. Ms. Blia Vang and Mr. Lee said they had lighting around the building. Legislative Hearing Officer Nhia Vang noted there were no complaints about lighting.

Legislative Hearing Officer Nhia Vang referred to STAMP activity report complaints related to snow and trash and asked how those things were handled. Ms. Blia Vang said they were a restaurant and they shoveled before they opened the door. Mr. Lee said they had a snow contractor who plowed the snow. Legislative Hearing Officer Nhia Vang asked whether the snow was removed from the property. Mr. Lee said they pushed the snow behind the building. He said he had a space for snow and other stuff.

Legislative Hearing Officer Nhia Vang asked whether the trash bins were enclosed. Mr. Lee said they had a big commercial dumpster that was emptied once a week.

Legislative Hearing Officer Nhia Vang noted another complaint about water, and that the record showed they were in compliance. She said she was happy to hear that complaints were being dealt with as soon as possible and she encouraged them to continue to maintain their property as well to have an attractive site and alleviate neighbors' concerns.

Legislative Hearing Officer Nhia Vang noted that the applicants owned the whole building and had an Entertainment A license; she asked if there was any sound proofing. Ms. Blia Vang said they hadn't gotten any complaints about noise.

Legislative Hearing Officer Nhia Vang asked whether the pull tabs would be behind the bar, or near the bar area. Ms. Blia Vang said it was all in the planning stage, but they were thinking about having the electronic one right on the bar. Legislative Hearing Officer Nhia Vang asked if the pull tabs and bingo would both be two days a week together. Ms. Blia Vang said they were waiting for this approval, and it depended on whether they got any participation.

Legislative Hearing Officer Nhia Vang asked how busy they were, before COVID-19. Ms. Blia Vang said Tuesday, Thursday and Friday were usually their busier days, and they closed on Sunday.

Legislative Hearing Officer Nhia Vang said she didn't have anything else to discuss in terms of shaping conditions. She said in terms of the issues raised by the third complainant, it was hard to tell that it was directly related to the applicants' establishment. She said hiring security and having cameras up were good signs for helping them control and manage that. She said she hoped they would manage patrons well and didn't over-serve and monitor them as they left the establishment and made sure they knew they were in a residential area. She said she thought they were doing a good job managing the business, given that the City hadn't taken formal actions against them. She reiterated that it was hard to tell whether the complaints were directly related to their business given the nearby bars and restaurants. She said she would recommend to the City Council that they approve the license conditions. She said a copy of the signed conditions affidavit was needed as well as the name of the charitable organization they would be working with. She said she hoped they would continue to develop a relationship with the district council.

The hearing was adjourned 10:25 a.m.

The Conditions Affidavit was signed and submitted on February 29, 2020.