

LICENSE HEARING MINUTES
Yasin Food Market, 741 Edmund Avenue
Thursday, September 22, 2011, 2:00 p.m.
330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

The hearing was called to order at 2:00 p.m.

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

Applicant: Ghmja Soquar, owner

Others Present: Gebrie Mohammed, brother of applicant and employee; and Tait Danielson-Castillo, Frogtown Neighborhood Association

Yasin Food Market: Add a Malt Off Sale license to the existing Retail Food (C) Grocery 1001-3000 sq. ft., 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 one (1) letter of concern from the district council which triggered the hearing. There were three possible results from this hearing: 1) she may recommend that the City Council issue this license without any conditions; 2) she may recommend that the City Council issue this license with agreed upon conditions; or 3) she may recommend 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. 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 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 stated that the proposed license conditions were as follows:

1. 3.2 Beer and beer products cannot be sold by the individual bottle or can.
2. The sale of 40 ounce bottles and/or cans of beer is not permitted. The sale of beer in containers of this or similar sizes is considered to be the sale of beer by the individual bottle or can.
3. The sale of wine and/or strong beer is not permitted with a Malt Off Sale license.

The District 7 Frogtown Neighborhood Association submitted a letter of support with a recommendation that they recommended license conditions be removed and the license be issued with no conditions placed on it.

Ms. Vang asked Mr. Soquar whether he understood the license conditions. Mr. Soquar responded that he understood; however, asked why he was not permitted to sell 40-ounce bottles or cans when other businesses were allowed to sell them.

Ms. Schweinler responded that the retailers who currently sell the 40-ounce or similar size containers have had a license to do so for quite some time. The conditions not allowing the sale of 40-ounce containers of beer had been implemented some time ago which grew out of concern by neighborhood groups. The perception was that customers who purchased the larger single-serve cans/bottles of beer, would generally consume them after leaving the store, discarding the empties everywhere and leaving residents to clean up the trash.

Mr. Danielson-Castillo stated that when the neighborhood met with the district council, they reviewed the license and suggested the conditions be removed as they believed they were unfair to this business given that Speedy Market, which was two blocks away, was able to sell 40-ounce beer. They believed if Speedy could sell the larger size containers, Mr. Soquar should be allowed to sell them as well.

Ms. Vang explained that since the department had mandated the condition not to allow the sale of the large containers, she could not remove the recommended condition from the license. If Speedy Market requested a modification of their license at some future point in time, she could consider recommending similar conditions be placed on their license to restrict the sale of 40-ounce beer, or similar size, containers.

Ms. Vang asked whether Mr. Soquar had liquor liability insurance or whether he had signed a waiver. Ms. Schweinler responded that Mr. Soquar had signed the waiver indicating that he did not anticipate his beer sales would exceed \$25,000 in a fiscal year thus negating the need for insurance coverage.

Ms. Vang read into the record an email received from Daisy Haung who appeared to own rental property in the neighborhood but lived in Eden Prairie; normally she did not consider objections raised by an individual who didn't live near the business. Said email is made a part of this record.

Ms. Vang asked Mr. Soquar whether he was willing to agree to the conditions proposed by DSI. Mr. Soquar responded that he was in agreement with the license conditions and would sign the affidavit.

Ms. Vang stated that in reviewing the documents of record, it appeared Mr. Soquar operated a very sound business and therefore, she recommended approving the license application with the conditions as proposed by DSI.

The Conditions Affidavit was submitted on October 6, 2011.

The hearing adjourned at 2:25 p.m.

Submitted by:
Vicki Sheffer