

LICENSE HEARING MINUTES
Hope Breakfast Bar, 1 Leech Street
Thursday, October 17, 2019, 2:00 p.m.
Room 330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

The hearing was called to order at 1:59 p.m.

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

Licensee: Brian Ingram, Applicant/Owner

License Application: Liquor On Sale - 100 seats or less, Liquor On Sale - Sunday, and Liquor Outdoor Service Area (Patio)

Other(s) Present: Lindsay Martin (191 Sidney Street W.), Ethan Ingram

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.

Ms. Vang noted that the City Council had passed a resolution on October 16, 2019 granting a 45-day waiver of the notification requirement, since the application had received district council support. She said since the license had been approved by the City Council, the only thing left for her to review was whether modification of the conditions was warranted.

Minutes:

Jeff Fischbach, Department of Safety and Inspections (DSI) gave a staff report. He said DSI had recommended one condition to be attached to the license and it was a standard condition.

1. Licensee agrees to take appropriate action(s) to ensure that the sale, display, and/or consumption of alcoholic beverages is contained to the indoor and outdoor area shown on the approved plan on file with the Department of Safety and Inspections (DSI).

Mr. Fischbach said the liquor service area was the main floor of the building, a space along the side of the building, and a space in front which looked like the sidewalk but was private property. He said DSI received a letter of support from the Fort Road Federation, including the 45-day waiver. Building was approved, License approved with conditions, Zoning was approved. The business received a Zoning parking variance in 2017. DSI recommended approval with conditions.

Ms. Vang asked whether there was a petition requirement for the Liquor Outdoor Service Area license. Mr. Fischbach said there was a previous applicant that got all of the approvals including the petition, and this business owner came in and took over. Ms. Vang confirmed with Mr. Fischbach that the petition hadn't lapsed and still applied. Applicant Brian Ingram said the Wine Bar had been one day from opening and had decided not to go forward, and asked him to do something with the space.

Ms. Vang asked Mr. Ingram to talk about his plan. Mr. Ingram said he had done nine concepts in town, and Hope Breakfast Bar was set up to be his family's way to give back. A portion of their profits were given away, they were community-focused, employed at-risk youth, and selected vendors and partners with the same message and story. They donated the use of the upstairs space, which was classified as a meeting space. The menu was primarily breakfast, served all day until 9:00 p.m. They had a craft cocktail program and were not-liquor-driven; currently liquor accounted for about 5% of sales. In response to additional questions from Ms. Vang, he said they opened at 6:00 a.m. daily, and were closed Monday to restock because they had been so busy. They hoped to re-open on Mondays. Everything they were doing was purpose-driven. They had 28 staff, many of whom worked one or two days a week.

Ms. Vang asked who was serving alcohol, how they would be trained, and how they would make sure underage customers weren't served. Mr. Ingram said everyone received alcohol training, and they held monthly classrooms on safe serve and being responsible. The people working behind the bar were all 21-plus and most had been in the business for 20 or 30 years. Mr. Ingram said he and his wife were both hands-on; he was the chef and she was the front-of-house manager. The business was small and family-oriented. He'd never had a violation in the nine years he'd been working in Minnesota.

Ms. Vang asked Mr. Ingram whether he'd now be devoting 100% of his time to this restaurant. Mr. Ingram said he'd walked away from his other corporate things to do this restaurant. This was their family business, and the only thing they were doing now.

Ms. Vang asked whether they'd be using real utensils on the patio. Mr. Ingram reiterated that everything was purpose-driven; they used a specific type of plate and gold silverware, and it was a very refined dining experience. They were 100% green.

In response to questions from Ms. Vang, Mr. Ingram said access to the patio was blocked by a fence, and guests came inside to be seated by the host. He said the patio was also used by hotel guests. Ms. Vang said she hadn't seen a site plan for the patio, and that was one of the housekeeping items she'd intended to ask about.

Ms. Vang noted that the conditions affidavit had been signed, and Mr. Ingram had checked with the Minnesota Department of Health and was already opened. She confirmed that he'd done the in-house liquor license review with (licensing staff) Kris Schweinler. She said there was something about the sidewalk plan not being complete. Mr. Ingram said they'd done a walk-through with someone to confirm the patio was on their property and there was no need for the sidewalk license.

Mr. Fischbach said the previous operator didn't have a sidewalk café license and wasn't going to put tables and chairs on the sidewalk, and DSI had initially thought the area encroached on the public right-of-way.

Ms. Vang asked about lighting on patio. Mr. Ingram said they noticed right away that the building was dark, and they added exterior lighting. Their signs were lighted and there was lighting on the mural on the side facing Children's Hospital. The patio had string lights as well as light coming from the hotel.

Ms. Vang asked if the nearest neighbors were businesses. Mr. Ingram said Bonfe's auto shop was on one side, Café Astoria was in front of them, and they had ten feet of separation from the hotel. Ms. Vang said that it sounded like any noise generated from the patio would be buffered.

Ms. Vang confirmed that Mr. Ingram had received a copy of the letter of objection. She reviewed the letter of September 25 sent by Robert Kasper, CEO of Main Street Labor Corporation, objecting to the license due to concerns about increased crime, loitering, parking issues, trespassing, and other problems associated with liquor being sold. Mr. Ingram said Mr. Kasper may have thought they were going to be more of a neighborhood bar instead of a family restaurant. They had been open for three weeks and those problems were non-existent. They got to the restaurant at 5:00 a.m., and some problems in the area had gone away since the building is all lit up. Graffiti had stopped. They had security cameras inside and out that they'd be happy to share with police if there was ever an issue. They had addressed a lot of those issues that might be seen at other restaurants on West Seventh.

Ms. Vang noted that they were on a busy corner; she asked where staff parked. Mr. Ingram said they tried to direct customers and staff to the parking garages.

Ms. Vang asked about deliveries and trash pick-up. Mr. Ingram said they shared the hotel's trash area and it was all enclosed. He said they had a single key-drop food vendor who came in the middle of the night. They were large U.S Food trucks in the middle of the night, or a van if they ran out of something during business hours. Trash pick-up was every three days, and they were going to monitor it and may have to add a day.

Ms. Vang asked when patio clean-up started and when bottles were emptied. Mr. Ingram said there was a trash run every hour on the hour, and floors and out front were swept. They hadn't used the patio yet, but the exterior would be on the same schedule as the interior.

Ms. Vang asked whether they'd encountered any issues in the three weeks they'd been open. Mr. Ingram said there hadn't been any problems. He said they were very family-focused, and had had 50 people waiting to come in. There was a community feel and interest in the building. Ms. Vang asked how staff monitored the people waiting. Mr. Ingram said they had somebody stand outside during the waits and communicated with people and offered free coffee.

Ms. Vang said she didn't have any additional questions. She said she was encouraged that Mr. Ingram was doing a great job cleaning the area and hiring from the community, and she hoped he would continue that model, which she thought was a great concept.

Ms. Vang read one letter of support that was received outside of the notification period. She noted for the record that a letter of support was received from the district council.

Public testimony:

Lindsey Ferris Martin said she'd had the opportunity to visit the business and felt they were a fantastic asset to the community.

Ms. Vang said she had nothing to add, and didn't see there was enough information to warrant additional or modification of conditions. She said she would recommend supporting the approval of the license with no changes.

The hearing adjourned at 2:23 p.m.

The Conditions Affidavit was signed and submitted on 9/19/19.