

PAYNE PHALEN DISTRICT FIVE PLANNING COUNCIL

STRONG  SAFE  WELCOMING  CONNECTED  NEIGHBORHOODS

To: Mr. Richard Yannarely

From: Leslie McMurray, Executive Director – Payne Phalen District Five Planning Council

Re: **License Application for a Class A Entertainment License at 1199 Payne Avenue**

The Payne Phalen District Five Planning Council has invited you to attend its October 2nd, 2012 Community Planning & Economic Development (CPED) Committee meeting. You were unable to attend that meeting due to other commitments. You did however offer information about your application to the District Five staff who conveyed this information directly to the CPED Committee. At that meeting, the CPED Committee determined that they wanted more information and to have the opportunity to speak with you directly.

You were subsequently invited to the October 23, 2012 Board of Directors meeting. Again, you were unable to attend this meeting due a relative's urgent health issue and your related need to be out of town on that date. This fact was communicated to the Board. You did send to the Board of Director's meeting a representative. On your behalf, Mr. TC Kelly spoke to the Board. He is the operator of the karaoke entertainment at your establishment currently at 1199 Payne Avenue.

After some discussion with Mr. Kelly, the Board determined that they could not yet approve your application and they notified the City of this position. The Payne Phalen District Five Planning Council Board did not yet give approval to your application for a Class A Entertainment License at 1199 Payne. A motion to not approve the application was passed unanimously.

I attach the minutes of the meetings at which this issue was discussed. The following remaining questions and concerns were raised.

Scope of license

Is live music contemplated with this license?

There were some concerns voiced that Karaoke has been offered at the establishment – though a license is not yet in place.

Mr. Kelly stated that there would be no live music and just karaoke.

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Hours of operation

What nights of the week will be covered by this license? What are the start and stop times in effect with this license?

Mr. Kelly stated he believed Karaoke was intended for (4 nights) Mondays, Thursdays, Fridays and Saturdays. A previous conversation indicated only (3 nights) Thursdays, Fridays, and Saturdays for Karaoke.

Security

What security is currently in place – is it enough? What security measures will be employed if Karaoke brings in significantly more clientele?

We heard from Mr. Kelly comments that suggested a need for greater security at the bar.

Current or potential Impact on the surrounding neighborhood

The Committee was told that the outside doors will be closed at 12:30 AM. Several members said they had concerns about the doors being left open to the street - particularly in the summer. Noise, patrons and sometimes nuisance behavior spills out into the street. (A copy of police calls for service is attached).

What assurance can the community have that there will not be adverse impact to the surrounding neighborhood from this license? There is a keen awareness of the new investment of a Public Library and Rec Center being located directly across the street from your establishment. There is concern about potential adverse impact of karaoke and evening events at the community center. The Committee heard no assurance that this license will not adversely impact the new community project across the street.

Communication with the community and immediate neighborhood

Would the ownership be willing to meet with the District Five Planning Council to discuss concerns if they arise and to periodically check in with the Council staff if the license is granted?

Is the owner present on site and managing the site? What level of staffing is present during these hours when karaoke is planned?

The Payne Phalen District Five CPED Committee next meets on December 4th, 2012 at 6:30 PM at the 722 Payne Avenue Eastern District Police Station. If possible, the Committee would be happy to hear from Mr. Yannarely at that time to respond to these concerns. The Board and CPED can be reached by contacting the Executive Director, Leslie McMurray at 651-774-5234 or d5-director@visi.com

PAYNE PHALEN DISTRICT FIVE PLANNING COUNCIL

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Payne Phalen District Five Board of Directors Meeting Draft Minutes

Tuesday, October 23, 2012 – 6:30 p.m.

722 Payne Avenue (Payne and Minnehaha)
Eastern District Police Department Community Room

Board Directors Present:

Al Oertwig	P	Darlene Adams	E	Roger Allmendinger	P
Edward Bertges	E	Rich Bold	E	Suzan Forsberg	P
Ted Hecht Sr.	E	Cathy Hennelly	P	Arlene Hubbard	E
Stephanie McCorkell	E	Michael Mueller	P	Ann Polachek	P
Kelley Riley	E	Dan Rodriguez	P	Keith Schmalzbauer	P
Christian Schweitzer	P	Kerry Stone	P	David Syers	P
Bill Zajicek	E				

P= Present, L= Late, A= Absent, E = Excused Absence,

Staff: Leslie McMurray (District Five Executive Director)

Community Participants & Guests: Brian Tourtelotte (Saint Paul Parks and Recreation), Greg Copeland, Kim O'Brien (Legislative Aide to Ward 5 Councilmember Brendmoen), T.C. Kelly (Affiliated with Phalen Park Liquor), Mark Voerding (Assistant to County Commissioner Janice Rettman),)

Welcome, Introductions and Agenda Review – Al Oertwig

President Al Oertwig called the meeting to order and welcomed all board directors and guests.

President's Report – Al Oertwig

Mr. Oertwig introduced Brian Tourtelotte, Saint Paul Parks and Recreation who gave an update report on the Payne Maryland Project.

The goal for occupancy is the end of 2013 or beginning of 2014. Because construction bids came in over budget a new bidding process will occur. There are no major changes in the building function or appearance. Most of the efficiencies are going to be found in aspects of the building systems. For example, in the electrical package (lighting), and alterations to plans such as reducing the amount of ceramic tile in bathrooms (tile will no longer go up to the ceiling). The

same basic floor plan and building footprint is being maintained. Discussion on this topic was extensive with many questions answered by Mr. Tourtelotte. The project updates can be found at <http://www.stpaul.gov/index.aspx?NID=3672>

Kim O'Brien - Legislative Aide to Ward 5 Councilmember Brendmoen was welcomed by the Board. She noted that Councilmember Brendmoen has requested in the 2013 budget process that there be added funding to keep the current extension of hours at Wilder Recreation Center permanently, plus a doubling of staff, and adding Fridays & Saturdays.

Motion by David Syers for a letter of support from the Board with regard to increased funding to maintain or increase hours of service at Wilder Rec Center both for parties currently served by Wilder but additionally to bridge the gap during the lack of service during the Payne Maryland Project. Second by Kerry Stone. Motion adopted.

D5 Staff gave an update on the Arlington Library re-use process and suggested to the Board that a reminder to SPPL of community preference was in order. Motion by Suzan Forsberg to remind partners that the residents in the neighborhood wish to be part of the process of the changes to the library. Further consider having the appropriate representative of SPPL come to a meeting in the near future. (staff note – likely to be January 2013 meeting). Second by Ted Hecht Sr. Motion adopted.

Yannarely's Bar – Application for a Class A Entertainment License

This issue was initially before the CPED Committee at their October 2nd meeting. There was no one from Yannarely's present to answer some questions that were raised, so a request was made to have a representative at the October Board meeting, before any decision was made on the application. T.C. Kelly was present to answer questions. Mr. Kelly provides the karaoke production services at area venues and he has been working for Yannarely's. He noted that they presently have licensing with BMI, ASCAP, & SESAC for karaoke and this is not a Class A Entertainment license. They are presently performing on Monday, Thursday, Friday, & Saturday, and they want to continue these days. He states there will be NO live bands at any time – as he feels there is no room. Doors are to be closed at 12:30 am in summertime to minimize the noise impact to the area. The doors are typically always closed all the time in winter.

Motion by David Syers to deny support for the license application. CPED couldn't substantiate answers to this issue. We don't have enough information to substantiate what we are approving. Second by Suzan Forsberg. Motion adopted.

Suggestion by David Syers to send a letter to the applicant explaining our position, and that twice attempts have been made to ascertain the applicants' position, to help him with this application, and that if he would like to come before the board in the future we would be happy to help him. Agreement to follow up with communications.

Recommended issues to be addressed:

Executive Committee Report or Update to Board

Al Oertwig made note of the Executive Committee monthly meeting and the results. Each month- a brief part of the meeting will put focus upon a specific board policy. The Board will

Final Version

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Community Planning & Economic Development Committee (CPED)

Tuesday, OCTOBER 2, 2012 6:30 PM

722 Payne Avenue – Eastern District Police Station

Chair: Patrick Ruble

DRAFT CPED ACTION AGENDA

1. Call to Order, Welcome and Introductions by CPED Chair Patrick Ruble
2. CPED Agenda Review and Approval
3. Presentation: A follow-up presentation will be made by Ramsey County Public Works and City of Saint Paul Public Works staff in response to previously voiced community questions regarding the Maryland Arkwright Intersection Re-design – Left Turn Lane project.
4. CPED and Community Discussion
5. Approval of September 11th, 2012 Draft CPED minutes.
6. License * 0016086 Phalen Park Liquors, Inc. doing business as Yannarely's at 1199 Payne Avenue Application - Add on Entertainment (A) license to the existing Liquor On Sale - 100 seats or less. Liquor on Sale - Sunday, Malt off Sale, Restaurant (3) 13-50 seats and Cigarette/Tobacco license. (Class A = amplified or non-amplified music and/or singing by performers without limitation as to number; and group singing participated in by patrons of the establishment." (includes Karaoke)
7. Overview of NCUP policy issue - CPED - D5 Board has previously opposed a policy that would reduce the number of resident property owner signatures required by the City when an application is made for a nonconforming use permit. A hearing on the proposed reduction is scheduled for October 10th. CPED will explore this issue and will refine its position.
8. Any license violations
9. Other

#1

Considerations for Class A Entertainment License:

The effect on the surrounding community and institutions.

Noise and likelihood of adverse effect on residential occupants.

The possibility of increased traffic

The character of the neighborhood.

Other like uses in the neighborhood.

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Payne Phalen District Five Community Planning & Economic Development Committee Draft Minutes Tuesday, October 2, 2012 – 6:30 p.m. 722 Payne Avenue (Payne and Minnehaha) Eastern District Police Department Community Room

CPED Committee Members Present:

		Darlene Adams	E	Edward Bertges	E
Rich Bold	E			Roy Evans	P
Suzan Forsberg	P	Ted Hecht Sr.	P	Cathy Hennelly	P
Al Oertwig	P	Crystal Passi	P	Cheryl Peterson	P
Ann Polachek	P	Regina Rippel	P	Keith Schmalzbauer	E
Christian Schweitzer	P			David Syers	P
Buzz Wilson	E				

P= Present, L= Late, A= Absent, E = Excused Absence,

Community Participants & Guests: David Keubler (City of Saint Paul), Nicklaus Fischer (Ramsey County), Jerry Auge (Ramsey County), Mark ___?___(Ramsey County), Bob Brown (Ramsey County), Residents: Greg Copeland, Mike Mueller, Barb & Joe Bertelsen, Matt & Lora Murtha, Luci Honea, Jerry Connolly, Erick Olson, Arne Josephson, Jim Stadsvold, Lynju Yang, Johnsou Yang, Mark Voerding (Assistant to Ramsey County Commissioner Janice Rettman), Leslie McMurray (District Five Executive Director)

CPED member (and D5 Board President) Al Oertwig called the meeting to order and welcomed everyone. Mr. Oertwig will be filling in for the Committee Chair.

This meeting will include a presentation for the community – and so the typical meeting room set up was altered so that all had clear visibility of the presentation. CPED members were introduced and it was noted that CPED members would be voting later in the meeting. All present were strongly encouraged to ask questions and to fully participate.

CPED Agenda Review and Approval

Motion to approve the Agenda - Syers. Second by Christian Schweitzer. Motion approved.

Approval of September 11th, 2012 Draft CPED minutes.

Motion by David Syers to approve the Minutes. Second by Christian Schweitzer. Motion passed. Minutes of August CPED Meeting adopted.

The first action item included a follow up presentation from Ramsey County Public Works and City of Saint Paul Public Works staff in response to raised questions from the D5 community regarding the Maryland Arkwright Intersection re-design – Left Turn Lane project.

several told a D5 staff member that they have heard "nothing" about the road plans and the possible impact to their businesses. What assurances are needed for the building business tenants? It seems that jobs will surely be lost if they are displaced. Shouldn't they be properly informed of impacts and the potential for property takings? Is there compensation for business tenants re relocation?

The neighborhood would like to look at the whole area and to review the potential positive and negative impacts in a holistic or comprehensive manner. For example, traffic has literally hit one resident's home twice. The source of the problem needs to be examined before traffic volumes are increased with the left turn lane. Add in talk about commercial development at those parcels and the question about traffic impact - egress and ingress are raised and those effects on accidents, driver speed and visibility, buffer with the residential area etc. We cannot afford to look at this project in a narrow sense.

Regarding the Brainerd Ave intersection: we have the accident data, the traffic count data, the speed data, the intersection geometry & controls, and the police reports. Even though it is in close proximity, it is still a separate intersection, which should be dealt with separately from the Arkwright intersection. The two are connected in terms of traffic, but as soon as we get out of the Maryland Avenue right-of-way we run into issues in terms of federal funding.

Why not add a line item to the city share of the cost to do the requested traffic analysis That could be done through the CIB process. The CIB process is for 2014-2015. There is not enough time or resources available to do the diligence that is needed right now.

Motion by Chris Schweitzer that CPED request that the City work with the CPED Committee, homeowners, business owners, and other stakeholders and study traffic for the area immediately surrounding Maryland and Arkwright intersection, to include the Brainerd intersection, bus traffic in the area, and the "dog park choke point" up to the north on Arkwright, and to present information and recommendations to CPED with an eye to not just current conditions but the projected impact of increased traffic brought onto those streets by the changes being proposed here today. Seconded by Ann Polachek.

Amendment to the motion by David Syers to include in said plan a full analysis and discussion of the potential for development in the triangle block of the northeast corner of Maryland & Arkwright and the surrounding area. Amendment to the motion accepted. Motion adopted by vote.

NOTE: A recording of this meeting exists and contains more detail and can be referenced.

The presenters were thanked for their contributions as well as the community.

License 0016086 Phalen Park Liquors, Inc. doing business as Yannarely's at 1199 Payne Avenue Application – Add on Entertainment (A) license to the existing Liquor On Sale – 100 seats or less. Liquor on Sale – Sunday, Malt off Sale, Restaurant (3) 13-50 seats and Cigarette/Tobacco license. (Class A = amplified or non-amplified music and/or singing by performers without limitation as to number, and group singing participated in by patrons of the establishment.) (Includes karaoke)

Mr. Yannarely could not attend tonight and so he has given talking points which D5 staff will deliver on his behalf. He wants to compete with local businesses – most other local bars have karaoke (Louie's , Governors, etc). The main purpose for this license request is for karaoke. He would have a professional MC for karaoke. The hours of operation he anticipates are between 9:00 PM to 1:00 AM Thursday, Friday, & Saturday. Mr. Yannarely was unable to be present, and there were several questions the Committee had which could not be answered. It was noted that he has signs promoting karaoke already. Would he intend to have larger bands – as the license allows for this. Would he be open to shortening hours for karaoke?

Mr. Yannarely will be asked to attend the next Board of Directors meeting for questions to be answered. The deadline for District Five action is November 2, 2012.