

LICENSE HEARING MINUTES
SuperAmerica #4358, 756 Snelling Avenue North
Thursday, January 20, 2011, 10:00 a.m.
330 City Hall, 15 Kellogg Boulevard West
Marcia Moermond, Legislative Hearing Officer

The hearing was called to order at 11:15 a.m.

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

Applicant: Lesley Zaun, attorney, Faegre & Benson; and Jarret Persons, District Manager, representing Northern Tier Retail LLC, owner

Others Present: Alan Sickbert, Dean of Students, Hamline University; Shirleen Hoffman, Manager of Security, Hamline University, 1536 Hewitt Avenue; and Michael Jon Olson, Hamline Midway Coalition, 1564 Lafond Avenue

SuperAmerica #4358: Gas Station, Cigarette/Tobacco, Restaurant (1) – No Seats, and Retail Food (C) – Grocery 1001-3000 sq. ft., and Malt Off Sale licenses

Ms. Moermond 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 letter of concern. 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.

Ms. Schweinler stated that DSI did not have any recommended license conditions; the neighborhood district council did not submit any recommended license conditions for this license application. DSI recommends approval.

Ms. Zaun stated that her client wanted to be a good neighbor and understood the concerns of the neighborhood, specifically Hamline University.

Ms. Moermond reviewed the letter received from Hamline University concerning security, hours of operation, and requested the store not sell malt liquor. Mr. Sickbert and Ms. Hoffman were present to testify.

Mr. Sickbert stated that they had met with representatives of the owner and found them to be responsive. There were over 5,000 students in attendance at the university and many lived in apartments/housing around the campus and frequented the store. They had received complaints regarding panhandling, intoxicated persons, and students being verbally harassed in and around the store location. They still had concern with security, mainly, with the hours of operation and the sale of malt liquor. In looking at the police calls for service, at least 50 of the more serious calls occurred between 10 p.m. and 6 a.m. They requested that the hours of operation be limited to 6 a.m. to 10 p.m. rather than 24/7 and that they cease the sale of malt liquor.

A copy of the police calls for service for this location was provided to Ms. Zaun. Ms. Moermond reviewed the report and said that in many cases, police calls for service could be misleading as activities may not have occurred as a result of incidents related to the store. Ms. Schwinler responded that she believed the police calls for service reflected neighborhood issues and not necessarily store issues and it appeared that calls were being made by employees of the store.

Ms. Hoffman stated that the university had made more effort towards security and hired off-duty police officers to patrol the campus and surrounding neighborhood three nights per week. It was their desire to work with Super America on security efforts and requested they hire off-duty police officers to staff the store on critical evenings.

Mr. Olson stated that the board of the district council discussed the license application; however, they did not take any formal position on any license conditions. They did support no off-sale malt and asked approximately what percentage of sales was attributed to beer.

Mr. Persons responded that he had been the district manager for this store for the past four years, did not know the exact demographics of the area very well, and did not want to speculate as to the volume of beer sales. He pointed out that they locked the coolers after 1 a.m. to prevent theft of beer after hours as this had been a problem. Ms. Schweinler responded that the volume of sales of 3.2 beer was low due most likely to the fact that there were several bars and a liquor store within a two to five block area. This store was also located on a direct route to the State Fair grounds which could increase traffic depending upon scheduled events at the fair.

Mr. Olson stated that if the hours of operation were going to continue to be 24/7, then the board would support the SA providing security by employing off-duty police officers at the store.

Ms. Moermond asked about the security system for the store. Mr. Persons responded that there were 16 cameras located on the inside and outside of the store. Digital recordings were made and were kept for at least 30 to 45 days and they did not hire off-duty police officers or other security personnel at this store. Ms. Moermond suggested that they also meet with the police department's CPTED to look at further security enhancements for the store. She said she was not inclined to limit the hours of operation.

Ms. Zaun stated that they would be willing to meet with the district council and representatives of the university to discuss issues and concerns.

Ms. Moermond recommended continuing the hearing to Thursday, January 27 to allow time for representatives of Hamline University, the Hamline Midway Coalition and Super America to meet and discuss security concerns and shared responsibilities for providing security at the store.

The hearing adjourned at 11:45 a.m.