

LICENSE HEARING MINUTES
SuperAmerica #4151, 1580 Ford Parkway
Thursday, March 10, 2011, 10:00 a.m.
330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

The hearing was called to order at 10:05 a.m.

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

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

SuperAmerica #4151: Gas Station, Cigarette/Tobacco, Restaurant (1) – No Seats, and Retail Food (C) – Grocery 1001-3000 sq. ft.

Ms. Vang stated this license application went before the City Council and the councilmember referred the matter back for a legislative hearing to discuss placing additional or modified conditions on the license. The City Council had the final authority on approval of the license.

Ms. Vang stated that she understood there was a CUP in place on the license which required a wood privacy fence. The councilmember had concern about the maintenance and appearance of the existing fence. He was requesting that when the wooden fence needed to be replaced, if the owner would consider constructing a brick fence its place. Ms. Zaun responded that she believed it would be more costly to construct a brick fence and that any vandalism done to a brick fence would be more costly and difficult to repair.

Ms. Vang stated that since maintenance of the fence was an issue, she suggested a condition be added to the license that “the privacy fence be maintained and in good repair.” The councilmember also had an issue with security at the store. She asked what type of security system they had at this location. Mr. Skobrak responded that there were currently 16 video cameras; approximately 12 inside and 4 outside the store. They currently kept the videos for 30 days which were available upon request to the police or city officials.

Ms. Vang stated that since there were adequate security cameras present and footage was maintained for at least 30 days, she would not make this a condition on the license. She asked about the hours of operation. Mr. Skobrak responded that the current hours of operation were 6 am to midnight, seven days a week.

Ms. Vang asked whether they would be agreeable to adding the hours of operation as a condition to the license. Ms. Zaun responded that while there was no intention of changing the hours of operation, they did not want to be locked into specific hours on the license. Ms. Schweinler stated that in order to change a condition on a license, they would have to go through another hearing process. If problems arose in the future due to the hours of operation or complaints on activities in the neighborhood occurred as a result, DSI could take action against the license to restrict the hours of operation.

Ms. Vang stated that since this was an issue of concern for the councilmember, she would recess the hearing to check with staff to see if the councilmember would be agreeable to not adding the hours

of operation as a condition to the license. The other concern was trash pick up on the property. She requested a condition be added to the license concerning trash pick up on the property, similar to language added on the licenses for the other SA locations. Ms. Zaun responded that they were agreeable to this as a condition.

The hearing recessed at 10:30 a.m. and reconvened at 10:40 a.m.

Ms. Vang stated that she had talked to the councilmember's staff and they indicated they were satisfied with the security in place and the hours of operation. Concerning the fence, the office had received complaints about the fence being in disrepair and requested it be repaired within the next three months, or by June. Ms. Zaun stated that they were agreeable to repairing the fence within the next three months.

The hearing adjourned at 10:50 a.m.

The conditions affidavit was submitted on

Submitted by:
Vicki Sheffer