

LICENSE HEARING MINUTES
SuperAmerica #4038, 390 Maryland Avenue East
Thursday, January 27, 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 10:10 a.m.

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

Applicant: Lesley Zaun, attorney, Faegre & Benson; Kirk Ellis and Chris Hawkins, District Managers, representing Northern Tier Retail LLC, owner

SuperAmerica #4038: Gas Station, Cigarette/Tobacco, Restaurant (1) – No Seats, and Retail Food (C) – Grocery 1001-3000 sq. ft., and Malt Off Sale licenses

Ms. Zaun stated that she had not yet received the conditions affidavit so she did not know the exact language; however, they were willing to agree to the condition that no advertising signs would be placed on the fence but wanted clarification that they could have signs that said “No Loitering.” Ms. Schweinler stated that the standard language was that the applicant shall comply with all legislative codes regarding outdoor signage and no outdoor advertising was allowed on the fence around the property. No Loitering signs were not considered advertising and were permissible. The other issue concerning the license was in regard to the right-turn only sign onto Maryland Avenue. She had talked to Monica Beeman, Public Works, who indicated that there were no definitive patterns in crashes at this location over the past three years. Public Works would not be opposed to a right-turn only sign; however, the sign would have to be placed on the owner’s property.

Mr. Hawkins stated that the concern with putting a right-turn only sign exiting onto Maryland was that it would force traffic onto Arkwright possibly creating more traffic congestion; a sign may not be beneficial. Most people making a left turn onto Maryland would exit onto Arkwright to make the turn at the light. Ms. Vang stated that based on the information DSI received from Ms. Beeman, Public Works, she would not recommend a condition to have a right-turn only sign onto Maryland Avenue as requested by the district council at this time but encouraged the applicant to work with the neighborhood to consider future traffic study of the location.

Ms. Vang stated that it was her understanding that this license would also have the standard language concerning the sale of single malt beverages. Ms. Zaun replied that it was her understanding from the last hearing that the sale of 40-ounce malt beverages would be allowed. Ms. Vang stated that according to the minutes from the previous hearing, Ms. Moermond supported this condition. Ms. Zaun stated that they had a long discussion concerning the sale of single-serve malt beverages and agreed not to break up any packages; however, they did not agree to the language on no sale of 40 ounce malt beverages. Ms. Vang stated that she would support the recommendation made at the January 20, 2011 legislative hearing regarding the matter of the 40 ounce sale of malt beverages.

The hearing adjourned at 10:45 a.m.

Ms. Vang will recommend to the City Council the following conditions as recommended by DSI:

1. The applicant shall comply with the exterior site plan requirements of the Department of Safety and Inspections (DSI).
2. The applicant shall contain trash and debris on the site in a dumpster that is covered and properly screened from adjacent residential properties.
3. The applicant shall not install or allow any individual or entity to install an exterior pay phone or vending machines anywhere on the site. The applicant may install an outdoor ice machine and a caged container for propane fuel as shown in the proposed site plan.
4. The applicant shall comply with all legislative codes that regulate outdoor storage and placement of permitted outdoor storage shall be in compliance with the Americans with Disabilities Act (ADA).

The additional conditions to the license were as follows:

5. No outside advertising on the fencing around the property.
6. To the extent practicable clearly identifiable and licensed security will be on duty at a minimum of 2 nights a week at varying times and hours.
7. 3.2 Beer and beer products that are originally packaged with the intent to be sold together in multiples cannot be separated and sold by the individual bottle or can. Only 3.2 beer and beer products that are purchased from a licensed distributor, and are intended to be sold by the individual bottle and/or can, may be sold as an individual bottle and/or can. The sale of wine and/or strong beer is not permitted with a Malt Off Sale license.

The Conditions Affidavit was submitted on February 7, 2011.

Submitted by:
Vicki Sheffer